

CA4 ON HBL A05

C51P4

1991.

URBAN/MUNICIPAL

JUNE 19/91 to June 24/91

AGENDAS/MINUTES OF THE  
PLANNING AND DEVELOPMENT  
COMMITTEE



URBAN/MUNICIPAL

CA4 ON HBL AOS  
C51P4  
1991

CITY CLERK

J.J. SCHATZ  
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON  
OFFICE OF THE CITY CLERK

CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4

TEL: 546-2700  
FAX: 546-2095

**NOTICE OF MEETING**

Planning and Development Committee  
Wednesday, 1991 June 19th  
9:30 o'clock a.m.  
Room 233, City Hall

URBAN MUNICIPAL  
JUN 12 1991

GOVERNMENT DOCUMENTS

Susan K. Reeder  
Secretary

**AGENDA**

1. Consent Agenda

9:30 o'clock a.m.

2. Rental Housing Protection Act Application C.D. 90-001 to convert 58 residential apartments to residential condominiums - 222 Concession Street.
  - (a) Submission - Hazel D. Hunt, 222 Concession Street, Apt. 303.
  - (b) Submission - Miss Linda Lowry, 222 Concession Street, Apt. 406.

**BUILDING COMMISSIONER**

3. Construction without a building permit - Increase in Building Permit Fee.
4. Building Administration Fund, Ministry of Housing, 1991 Grant Application.

**DIRECTOR OF PROPERTY**

5. City repurchase from Allan Michaels Electric Ltd. - Lot 18, Plan M-227 (140 Nebo Road) - Hamilton Mountain Industrial Park No. 1.



## REFERRAL FROM CITY COUNCIL

6. Correspondance and Petition - Rev. Burridge, representative of the Merchants of the Jamesville B.I.A. - request to disband the Jamesville B.I.A.
  - (a) Report - Director of Public Works

## DIRECTOR OF PUBLIC WORKS

7. Programme for Renewal, Improvement, Development and Economic Revitalization, (P.R.I.D.E.), Anti-Recession Programme, Estimates of Expenditures.

## DIRECTOR OF LOCAL PLANNING

8. Request for comments - Amendment # 36 to the Town of Ancaster Official Plan.
9. Parkland Acquisition and Development - Revenue Producing Strategies.
10. Site Plan Control Application DA91-21 - for renovations to the existing Tim Horton Donuts at 435 York Boulevard.

## ZONING APPLICATIONS

### 10:30 o'clock a.m.

11. Zoning Application 91-30, Landmart Building Corporation, owner, for changes in zoning from "L-r" and "L-mr-1" to "C" for lands on the west side of Fairington Crescent and south of Eastgate Court; Kentley Neighbourhood.
12. City Initiative 89-G, for changes in zoning from "JJ" and "KK" to "A" for lands in the area east of Lake Avenue, between Barton Street East and the Queen Elizabeth Way; Grayside Neighbourhood.
  - (a) Submission - William D'Alessandro, Catania Realty Ltd.
13. City Initiative 91-C, for changes in zoning from "C" and "D" to "R-4" for property at 402 Upper Wentworth Street (formerly Inverness School); Inch Park Neighbourhood.

### 10:45 o'clock a.m.

14. Zoning Application 91-10, Hamilton Roller Gardens Ltd., owner, for a modification to the "M-13" District regulations for property at 1215 Stone Church Road East; Trenholme Neighbourhood.



15. Zoning Application 91-22, 627791 Ontario Inc. (J. Lebrecht), owner, for a change in zoning from "M-14" modified to "C" modified for property at 64 Ewen Road; Ainslie Wood Neighbourhood.
16. Zoning Application 91-19, P. COsten and 892987 Ontario Inc. (F. Spencer), owners, for a modification to the "G" District regulations for property at 147-155 Dundonald Avenue; Rosedale Neighbourhood.

**11:00 o'clock a.m.**

17. Zoning Application 91-14, W.A. Hemstreet, owner, for a change in zoning from "C" to "HH" modified for property municipally known as 1314 Upper James Street; Jerome Neighbourhood.
  - (a) Submission - Dr. and Mrs. Dickson, 111 Stone Church Road, East.
  - (b) Petition - members of the Board, Barton Stone United Church.
  - (c) Submission - Ronald Wowk, 15 Stone Church Road, East.
18. Zoning Application 91-16, Trillium Funeral Services Corporation, owner, for a change in zoning from "G-3" modified to "E" for properties at 25 and 27 West Avenue North; Landsdale Neighbourhood.

**11:30 o'clock a.m.**

19. Housing Intensification Strategy
20. Other Business
21. Adjournment.



**OUTSTANDING LIST**  
**Planning and Development Committee**

<b><u>ITEM</u></b>	<b><u>ORIGINAL DATE</u></b>	<b><u>ACTION</u></b>	<b><u>STATUS</u></b>
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back in 1991 July for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
P6-8-3-Lapp Property Beddoe Drive and Studholme Road	1990 Dec. 5	Committee	Modified Neighbourhood Plan Review being conducted



<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA 90-96 - North Side of Rymal Road East and east of the Hydro-right-of-way	1991 Mar. 20	Committee	Tabled per Applicant's request
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed
ZA 88-129 - South-east corner of Upper Wentworth Street & Stonechurch Road East	1991 April 24	Regional Engineering	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
ZA 90-88-1425 & 1429 Upper James Street	1991 May 8	Committee	Tabled due to Applicant's absence
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	Pending Report
ZA 91-06 - 21 Lottridge Street	1991 May 22	Committee	Tabled to 1991 July when applicants are back in country
Review of the "M" District	1991 May 22	Planning	Public Meeting Scheduled for 1991 June 24



Wednesday, 1991 May 22  
9:30 o'clock a.m.  
Room 233, City Hall

The Planning and Development Committee met.

**There were present:** Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice Chairman  
Mayor Robert M. Morrow  
Alderman H. Merling  
Alderman D. Wilson  
Alderman D. Ross  
Alderman W. McCulloch  
Alderman V. Formosi

**Regrets:** Alderman M. Kiss - ill

**Also Present:** Alderman T. Jackson  
Alderman T. Cook  
Alderman D. Agostino  
Alderman G. Cops  
Mr. A. Georgieff, Director of Local Planning  
Mr. B. Janssen, Planning  
Mr. M. Watson, Real Estate  
Mr. R. Karl, Traffic  
Mr. L. King, Building Commissioner  
Ms. P. Noe Johnson, City Solicitor  
Mr. K. Brenner, Regional Engineering  
Mr. W. Wong, Building  
Mrs. N. Chappel, Planning  
Ms. J. McNeilly, Community Renewal, Public Works  
Mr. B. Allick, Building  
Mr. J. Sakala, Planning  
Mrs. J. Hickey Evans, Planning  
Mr. C. Firth-Egland, Parks, Public Works  
Mr. P. Mallard, Planning  
Ms. C. Coutts, City Clerks Office  
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

A - Minutes

The Committee was in receipt of the minutes of their meetings held Wednesday, 1991 March 20th (evening meeting) and Wednesday, 1991 April 24th and approved these minutes.

**BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS**

B - Demolition Permit Application - 464 Wentworth Street North

The Committee was in receipt of a report from the Building Commissioner dated 1991 May 2 respecting the above noted matter, and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 464 Wentworth Street North.

C - City of Hamilton Heritage Program Application - 35, 39, 41, 43 Duke Street

The Committee was in receipt of a report from the Building Commissioner dated 1991 May 15 respecting the above noted matter, and approved the following:

That a Designated Property Grant in the amount of six thousand, two hundred and twenty five dollars (\$6,225.) be provided for Wentworth Condominium Corporation 35, 39, 41, 43 Duke Street, Hamilton.

**COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES**D - Cash Payment in Lieu of 5% Parkland Dedication - "Paradise Gate Estates" Elia Heights - Phase I

The Committee was in receipt of a report from the Commissioner of Transportation/Environmental Services dated 1991 May 14 respecting the above noted matter, and approved the following:

- (a) That the City of Hamilton accept the sum of \$118,800. as cash payment in lieu of the 5% dedication in connection with "Paradise Gate Estates", Hamilton, located east of Upper Paradise Road and north of Rymal Road, this being the cash requirement under Section 50 of the Planning Act; and,
- (b) That the City of Hamilton accept the sum of \$9,450. cash payment in lieu of the 5% dedication in connection with "Elia Heights - Phase One", Hamilton, located at the south-west corner of Eleanor Avenue and Stone Church Road East, this being the cash requirement under Section 50 of the Planning Act.

**DIRECTOR OF PROPERTY**E - Expropriation by the City - Part 1 on Expropriation Plan #79835 From Mr. Rupert Inniss

The Committee was in receipt of a report from the Director of Property dated 1991 May 14 respecting the above noted matter, and approved the following:

- (a) That the City accept an "Agreement by Owner to Accept Compensation" for the property of Rupert Inniss, executed on 1991 May 7 and scheduled for closing on 1991 September 30. The subject property has a frontage of 11.46 metres (37.6 feet), more or less, on the east side of Birch Avenue and a frontage of 17.7 metres (58.1 feet) on the south side of Gerrard Street, by a depth of 22.27 metres (73.06 feet), more or less, together with all structures erected thereon being Municipal No. 358 Birch Avenue.
- (b) The compensation of \$67,500. is to be charged to Account No. CF55903 08750001 (Land Acquisition - Enclave Clearance Program). Demolition is to take place upon closing.

**DIRECTOR OF LOCAL PLANNING****F - City of Hamilton Municipal Profile Database**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 14 respecting the above noted matter, and approved the following:

That the Director of Local Planning be authorized to notify the Ontario Ministry of Housing that the City of Hamilton, Municipal Building Profile Database has been completed and be requested to forward the outstanding \$2,000. of the \$20,000. Municipal Building Profile Grant.

**3. BUILDING COMMISSIONER****Physical Alterations - Building Department Reorganization of the Administration and Planning Divisions**

The Committee was in receipt of a report from the Building Commissioner dated 1991 May 15 respecting the above noted matter.

The Committee approved the following:

- (a) That the physical alterations relevant to the downsizing within the Building Department, be carried out at an estimated cost of \$125,000. The downsizing was part of the reorganization of the customer service division of the Building Department approved by City Council on 1991 March 26.
- (b) That the Finance and Administration Committee be requested to recommend a method of financing in accordance with the City Council resolution approved 1990 July 31 on unbudgeted capital expenditures.

**DIRECTOR OF PUBLIC WORKS****4. Commercial Improvement Program - Widening of Sidewalks on John Street South**

The Committee was in receipt of a report from the Director of Public Works dated 1991 May 14 respecting the above noted matter, and approved the following:

- (a) That funds be provided from the Commercial Improvement Programme Account No. CF5200 428705006 at a total cost of twenty-five thousand dollars (\$25,000.) for the provision of widened sidewalks on the east side of John Street South between Main and King from 21 - 31 John Street South as shown on the attached map marked as Appendix "A", and;
- (b) That Regional Council be requested to implement this proposal.

5. Business Improvement Areas - Commercial Improvement Program, 1991 Submission

Alderman Ross declared a conflict of interest in this matter since his wife owns a store within the Ottawa Street B.I.A.

The Committee was in receipt of a report and a subsequent revised report from the Director of Public Works dated 1991 May respecting the above noted matter, and approved the following:

- (a) That the Commercial Improvement Programme for 1991 estimated at two hundred and ninety-three thousand, nine hundred and thirty-six dollars (\$293,936.) as shown on the attached table marked as Appendix "B", be approved; and,
- (b) That the amount be charged to the Commercial Improvement Programme, Account No. CF5698 428705099.

6. Hamilton Street Railway Proposal For Locating Transit Shelters in the Downtown Hamilton Area

The Committee was in receipt of a report from the Director of Public Works dated 1991 May 15 respecting the above noted matter, and approved the following:

- (a) That in accordance with Phase III of the H.S.R. Bus Shelter Proposal, Hamilton Street Railway be given approval to install bus shelters in the proposed locations other than Gore Park as follows:
  - (i) King Street West, north side, between James Street North and MacNab Street (in front of Grand and Toy)
  - (ii) 2 shelters located on King Street East, north side, between Hughson Street North and James Street North
  - (iii) on King Street East, north side between John Street North and Hughson Street North
  - (iv) on James Street North, west side north of King William Street (in front of the Eaton's Centre)
- (b) That the public response to the Downtown shelters continue to be monitored.

**CITY SOLICITOR**

7. Disposition of Fines - Municipal Prosecutions

The Committee was in receipt of a report from the City Solicitor dated 1991 May 16 respecting the above noted matter, and approved the following:

That the following be referred to the Finance and Administration Committee.

That the Minister of Municipal Affairs be requested to introduce and secure the enactment of an amendment to the Planning Act 1983, and

the Fire Marshall's Act, so that proceeds of every fine imposed under any provision of those acts, will be paid to the Treasurer of the Municipality that prosecutes the offence, and bears the cost of such prosecution.

#### COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

8. Land Severance Application, H-90-90 to H-96-90 (inclusive) Hamilton - 225 Acadia Drive, 11, 15, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive

The Committee was in receipt of a report from the Commissioner of Transportation/Environmental Services dated 1991 May 14 respecting the above noted matter, and approved the following:

- (a) That the City of Hamilton convey to the adjacent owners (Giovanni Fortino, Umberto Spagnuolo and Stan Felice) lands known as Part 8 of Plan 62R-11000, 225 Acadia Drive, 11, 15, 19, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive in the City of Hamilton, and that the sale price for these lands be \$1.00;
- (b) That the City Real Estate Department be authorized and directed to sell Part 8, Plan 62R-11000; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the documents required in this matter.

2. Alderman T. Jackson - Berrisfield Gardens Addition - Lot Grading

The Committee was in receipt of a letter from Alderman Jackson outlining the difficulty between the Developer and the Regional Engineering Department respecting the above noted matter.

The Committee was also in receipt of the following reports:

- a) Status report from the Secretary, Planning & Development Committee dated 1991 May 11 indicating that this matter had been tabled at the 1991 May 22 meeting to receive further reports from the staff.
- b) Information Staff Report from the Commissioner of Transportation/Environmental Services dated 1991 March 20.
- c) Information Report from the Commissioner of Transportation/Environmental Services dated 1991 May 13.

Alderman Jackson was in attendance and spoke to the additional staff report and the situation of disagreement between the Developer and the Regional Engineering staff on the cost of the additional work required by the City's contractors to complete the lot grading. Mr. Faiella and Mr. Jugovic, the Developers, were also in attendance at the meeting. They reiterated that they were angered that the estimate given by the City had doubled, and that they had not been advised when this was determined.

The Committee then discussed this matter at great length, and made the following recommendation:

- (a) That the Subdivider (668539 Ontario Ltd. - Bob Jugovic and Tony Faiella) be granted relief from the additional charges incurred by the City's contractor of approximately \$4,652.00 to complete the grading for Lots 7 and 8 in the Berrisfield Gardens Addition, Hamilton; and,
- (b) That the funds for these charges be derived departmentally from Account No. CH5X92700107 - Reserve for Services through Unsubdivided Lands.

#### REFERRAL FROM CITY COUNCIL

9. Rezoning - Mohawk Sports Park/Bernie Arbour Stadium

The Committee was in receipt of a referral back from City Council of the above noted matter.

The Committee discussed this matter at some length, and made the following recommendation:

- a) That the Director of Local Planning be authorized to proceed with a City Initiative to initiate the modification of zoning at the Mohawk Sports Park and the Bernie Arbour Stadium to allow any approved user to obtain a stadium license to sell beer at the Bernie Arbour Stadium during their home games,
- b) That \$5 million dollars liquor license liability insurance, with the City as a named insured, be provided by any approved user.

#### DIRECTOR OF LOCAL PLANNING

10. Request to Amend and Register Site Plan Control Application DA89-13, Lillian Heights Inc., Owner, 14 Derby Street, Broughton East Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter, and approved the following:

That approval be given to a request to amend plans of Site Plan Control Application DA-89-13, by Lillian Heights Inc., owner of lands at 14 Derby Street, to allow the site to be developed as two separate condominium corporations of 22 and 28 townhouse units subject to the following:

- i) modification to the plans to indicate the condominium boundary as marked in red on the plans;
- ii) approval by the Committee of Adjustment for the following variances for the 22 unit condominium project:
  - a) a lot area of 4,172 m<sup>2</sup> instead of the required 5,050 m<sup>2</sup>;

- b) a southerly side yard of 1.2 m instead of the required 3.0 m;
  - c) 5 parking spaces to be located on the adjacent townhouse project instead of on the lot;
- iii) approval by the Committee of Adjustment for the following variance for the 28 unit condominium project:
    - a) a northerly side yard of 1.8 m instead of the required 3.0 m.
  - iv) provision within the Site Plan Agreement that the owner be required to provide mutual right-of-way agreement, parking and access agreements and reciprocal agreements which will govern the relationships between the two condominium corporations;

The following recommendation will be forwarded to City Council for approval:

That the plans of Site Plan Control Application DA-89-13 by Lillian Heights Inc., owner of land known as 14 Derby Street, for a co-ordinated development of a 22 and 28 unit townhouse project, be registered on title.

#### 11. Request for Comments - Niagara Escarpment Plan Five Year Review

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 16 respecting the above noted matter.

The Director of Local Planning outlined the recommendations contained within the report and considerable discussion ensued on this matter by the Committee.

The Committee made various amendments to the staff recommendation, namely to ensure that designation for Sam Lawrence Park remains as it is, that no rights be relinquished on the City's autonomy, and that no impact occur on lands that effect freeway development.

The Committee then approved that the following recommendation to be forwarded to the Parks and Recreation Committee for consideration:

That the Clerk be requested to advise the Region and the Niagara Escarpment Commission that:

- a) the City of Hamilton recommends that the existing "Urban Area" designation in the Niagara Escarpment Plan for a portion of the Mohawk Sports Park (bounded by Mohawk Road to the north, the abandoned rail r.o.w. to the west, Limeridge Road to the south and Mountain Brow Blvd. to the east) and Sam Lawrence Park be maintained and not be redesignated "Escarpmen Protection Area", since it will impact on the future use of these areas.
- b) the other changes proposed to the Niagara Escarpment Plan do not adversely impact on the planning intentions of the City and can be supported. In particular:
  - i) the inclusion of the Bruce Trail into the Niagara Escarpment Plan with policies for the development and protection of various components of the Trail;

- ii) the redesignation of lands east of Albion Falls to "Escarpment Protection Area", and,
  - iii) the inclusion of the southern portion of the Royal Botanical Gardens/Cootes Paradise in to the Niagara Escarpment Plan.
- c) that the City will not relinquish any rights on their autonomy for future plans.
  - d) that there be no impact on lands that affect freeway development.

#### CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

##### 12. Via Rail Service

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee (C.A.P.I.C.) respecting Via Rail Service.

The Committee endorsed that the following recommendations be forwarded to the Transport and Environment Committee for their consideration:

- a) That City Council endorse the Regional Council of Niagara's resolution herewith attached in the report of the Central Area Plan Implementation Committee, and formally express concerns over the proposed cuts in Via service to the Federal Minister of Transport, and;
- b) That City Council request the Region of Hamilton-Wentworth to formally endorse the Regional Municipality of Niagara's resolution with respect to retaining passenger service to downtown Hamilton from Niagara, and;
- c) That this matter be referred to the Task Force on the future of the CN Rail station for further review.

#### ZONING APPLICATIONS

##### 13. Zoning Application 89-103, Steinnagel Construction Limited, Owner, For a Change in Zoning from "AA" to "C" for lands on the North Side of Brenda Street in the Area East of Eleanor Avenue: Eleanor Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 16 respecting the above noted matter, and approved the following:

That approval be given to Zoning Application 89-103, Steinnagel Construction, owner requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for lands north of Brenda Street, in the area east of Eleanor Avenue, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
  - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
  - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
14. Zoning Application 91-05, L. Hochglaube and E. Bogomolny, Owners, for a Further Modification to the "C" District Regulations for Property at 44 Greendale Drive; Gilkson Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter.

The Committee was also in receipt of a submission from Mr. & Mrs. Reid, 7 Elsa Court, as well as a submission given at the meeting, from Mr. & Mrs. Edwards, 190 Golden Orchard Drive.

Report of the circularization was given as follows:

176 Notices Sent    15 in Favour    12 Opposed

Ms. Elizabeth Housson, Planner for the owners, and Mr. Hochglaube, co-owner of the property were in attendance and spoke to the Committee with respect to this matter. Ms. Housson asked the Committee for a tabling of their application in order to allow them an opportunity to resolve difficulties stressed with traffic. She also addressed other concerns expressed in the staff report and suggested ways that they could be solved.

Mr. Hochglaube, spoke to the Committee with respect to his plans for the centre.

Mr. Edwards spoke to the Committee and indicated that his letter of submission spoke for their concerns.

The son of one of the co-owners of the plaza at 1300 Garth Street spoke in opposition to the application.

The applicant chose not to respond to the comments made by the community and the Committee then approved the following denial recommendation:

That Zoning Application 91-05, Mr. L. Hochglaube and Mr. E. Bogomolny, owners requesting a further modification to the "C" (Urban Protected Residential, etc.) District regulations to reduce the capacity of the existing day nursery from 133 to 88 children and convert the resultant floor space, being approximately 250 m<sup>2</sup>, to medical offices, for property located at 44 Greendale Drive, as shown on the attached map marked as Appendix "D", be denied for the following reasons:

- (a) it conflicts with the intent of the Official Plan, in that approval of the application would result in non-local traffic using the residential street (Greendale Drive) to access the site, thereby detracting from the residential character of the area (e.g. increased traffic volumes, noise and potential overflow on-street parking generated by the new additional use);

- (b) it conflicts with the intent of the approved Gilkson Neighbourhood Plan which designates the site for "Civic and Institutional" use; and,
  - (c) approval of the application could encourage future applications to further reduce the size of the day nursery for additional medical office facilities, thereby changing the residential character of the neighbourhood by commercializing the property.
15. Zoning Application 89-22 and 89-23, G. Fortino, U. Spagnuolo, S. Filice, M. and O. Presta, F. Carobelli, A. and L. Scornaienchi and G. Fortino, In Trust, Owners, for Changes in Zoning From "AA" and "C" to "RT-20" and "G-1" for Properties at 1508, 1514-1530 Upper James Street; Mewburn Neighbourhood

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1991 May 16 respecting the above noted matter.

The Committee was also in receipt of an added petition submitted to the Committee with respect to this application.

Report of the circularization was given as follows:

77 Notices Sent                  1 in Favour                  1 Opposed

Mr. Aldo Berlingeri, representative of all of the owners, was in attendance, along with Mr. Bruce Rankin, Architect, and Mr. John Fortino, one of the owners of the property. Mr. Berlingeri outlined the history of their plans for the property and discussions with staff and the neighbourhood concerns of the West 5th residents. He indicated that they are in support of the staff recommendation.

Mr. and Mrs. Deptuck, 1183 and 1193 West 5th Street spoke in opposition to the application, and submitted a petition from the neighbours opposed.

Mr. Berlingeri responded by clarifying that the designation of the lands behind the Deptuck's had been commercial, not residential, and thus their proposal which calls for townhousing is a down zoning from that designation.

The Committee then approved the following approval recommendation:

That approval be given to amended Zoning Applications 89-22 and 89-23, G. Fortino, U. Spagnuolo, S. Filice, M. and O. Presta, F. Carobelli, A. and L. Scornaienchi and G. Fortino, In Trust, owners for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"); from "AA" (Agricultural) District, modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Block "2"); from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Blocks "3" and "4"); and from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Block "5"), to permit townhouses on Block "1" and a retail commercial shopping plaza on Blocks 2, 3, 4 and 5, for properties at 1508, 1514 and 1530 Upper James Street, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to Blocks "2", "3", "4" and "5" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of Blocks "2", "3", "4" and "5" until a site plan is approved for comprehensive development of the commercial. Removal of the holding restriction shall be conditional upon the approval of a site plan for a comprehensive development of Blocks "2", "3", "4" and "5" and the site plan being registered on title of the land.
- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (c) That Block "2" be rezoned from "AA" (Agricultural) District, modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- (d) That Blocks "3" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- (e) That Block "5" be rezoned from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- (f) That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to Blocks "2", "3", "4" and "5", be modified to include the following variances as special requirements:
- (i) That notwithstanding Section 13A(4), a minimum front yard of 6.0 m shall be provided and maintained for property at 1508 Upper James Street (Building "A" - Appendix "F");
  - (ii) That notwithstanding Section 13A(4), a front yard of a depth of at least 24 m shall be provided and maintained for property located at 1514 to 1530 Upper James Street (Building "B" - Appendix "F");
  - (iii) That notwithstanding Section 13A(4), a minimum northerly side yard of 3.0 shall be provided and maintained for property located at 1508 Upper James Street (Building "A" - Appendix "F");
  - (iv) That notwithstanding Section 13A(4), a minimum southerly side yard of 7.62 m shall be provided and maintained for property located at 1514 and 1530 Upper James Street (Building "B" - Appendix "F");
  - (v) That a minimum of 3.0 m wide landscaped area, excluding areas required for driveway accesses, shall be provided and maintained adjacent to the Upper James Street road allowance for Blocks "2", "3" and "4";
  - (vi) That a minimum 6.0 m wide landscape strip and a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire westerly rear lot line of Block "5", and along that portion of the northerly side lot line of Block "5", which is distant 45.0 m from the north-westerly corner of Block "5";
  - (vii) That a minimum 4.5 m wide landscape strip shall be provided and maintained along that portion of the southerly side property line of Block "1" which abuts the service driveway of adjoining land to the south within the "G-1" (Designed Shopping Centre) District;

- (viii) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire southerly and northerly side lot lines of Block "1";
- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1230, and that the subject lands on Zoning District Map W-9D be notated S-1230;
- (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
- (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
- (j) That the Mewburn (East) Neighbourhood Plan be amended by redesignating:
  - (1) Block "1" (rear portion) From: "Single and Double Residential"  
To: "Attached Housing"
  - (2) (front portion) From: "Commercial"  
To: "Attached Housing"
  - (3) Block "5" (northwesterly corner) From: "Attached Housing"  
To: "Commercial"
  - (4) (middle portion) From: "Neighbourhood Commercial"  
To: "Commercial"

and by establishing a 4.5 m (15.0 ft.) wide landscape strip along the southerly side property line between the proposed townhouse development and the service driveway for the commercial development to be established on adjoining lands to the south.

The 6.0 m (20.0 ft.) wide landscape strip separating the proposed townhouse development from the proposed commercial development fronting onto Upper James Street, (between Blocks "1" and "5") must also be relocated.

- (k) That prior to the removal of the 'H' (Holding) symbol, the site plan be registered on title.

16. Zoning Application 91-06, M. and L. Spandonidis, Owners, for a Modification to the "C" District Regulations for Property at 21 Lottridge Street; Stipeley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter.

A law clerk from the Solicitor's office representing the owners was in attendance, and indicated to the Committee that both the Solicitor and their clients were unavailable for this meeting to speak to their application, and requested that this matter be tabled until such time as they are available.

Mr. P. Mallard of the Planning Department expressed concerns at this request and advised the Committee of the history of appeals on this property.

Considerable discussion ensued on this matter and it was agreed to table this application until the 1991 July meeting of the Committee.

17. Zoning Application 91-11, 829145 Ontario Inc. (M. Lulgjura), Owner for a Modification to the "H" District Regulations for Property at 324 Queenston Road, Glenview East Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 9 respecting the above noted matter.

The Committee was also in receipt of the following submissions:

- a) Mr. & Mrs. Mattiolo, 79 Delena Avenue South,
- b) Frank Husack Limited & Arthur Weisz Real Estate Limited, Owners, 686 Queenston Road,
- c) Mrs. E. Wood, 75 Adair Avenue South

Report of the circularization was given as follows:

193 Notices Sent                  3 in Favour                  38 Opposed

Mr. L. Lulgjura, Owner was in attendance and spoke to the Committee. He indicated to the Committee that he could meet the parking requirements, and requested that his application be approved.

The Owner of property at 89 Delena Avenue South spoke in opposition to the application and indicated that their street is a dead end, and parking is at a premium now. He indicated that pool hours would take up the limited spots on their street. The Secretary of the Committee advised that the School Board representative, Mr. Kelterborn, was unable to stay for the meeting, but had asked that it be conveyed that the School Board is in support of denial of this zoning application.

The applicant then responded to the concerns of the neighbours and requested that his application be approved.

The Committee then approved the following denial recommendation:

That Zoning Application 91-11, 829145 Ontario, Inc. (M. Lulguraj), owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard room on the ground floor of the existing building located at 324 Queenston Road, as shown on the attached map marked as Appendix "G" be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan and represents an over-intensification of land use, in that six parking spaces are required and no legal parking spaces can be provided. Further, approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area.
- (b) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms from the "H" District due to nuisance factors and spill-over effects associated with such uses (e.g. noise, parking, headlight glare, etc.) on adjoining residential areas.

1991 May 22

- (c) It is an incompatible land use with the adjoining single-family homes to the south. Further, the subject lands are in close proximity to three schools with the closest being one block to the south.
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

18 City Initiative 91-A for a Review of the "M" (Prestige Industrial) District Uses and Regulations - East Mountain Industrial Park

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter requesting authorization to hold a public meeting.

The Committee then approved the following:

That a public meeting be held to consider the proposed amendments to the official plan and the zoning by-law for the "M" (Prestige Industrial) Districts as identified in the Executive Summary prepared by the Planning and Development Department.

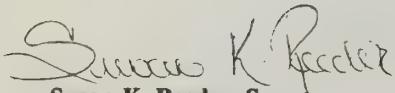
**ADJOURNMENT**

There being no further business the meeting then adjourned.

Taken as read and approved,



ALDERMAN F. LOMBARDO, Chairman  
Planning and Development Committee



Susan K. Reeder, Secretary  
1991 May 22

**Wednesday 1991 May 8th**  
**9:30 a.m. o'clock a.m.**  
**Room 233, City Hall**

## The Planning and Development Committee met.

**There were present:** Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice Chairman  
Alderman W. McCulloch  
Alderman V. Formosi  
Alderman H. Merling  
Alderman D. Wilson  
Alderman M. Kiss  
Alderman D. Ross

**Regrets:** Mayor Robert M. Morrow  
(Civic Business)

**Also Present:**

Mr. D. Kelterborn, Board of Education  
Mr. L. Sage, Chief Administrative Officer  
Mr. A. Georgieff, Director of Local Planning  
Ms. M. Domagala, Planning  
Mr. B. Janssen, Planning  
Mr. D. Powers, Law Department  
Mr. M. Watson, Real Estate  
Mr. P. Lampman, Deputy Building Commissioner  
Mr. K. Brenner, Regional Engineering  
Mrs. N. Chapel, Planning  
Mr. J. Sakala, Planning  
Mr. R. Karl, Traffic  
Mr. B. Allick, Building  
Mr. D. Ellis, Building  
Ms. J. Pacey, Community Renewal Section, Publi  
Mr. L. Lanza, Regional Planning  
Mr. P. Mallard, Planning  
Mr. G. Whitehouse, Planning  
Mrs. Susan K. Reeder, Secretary

## A. CONSENT AGENDA

**Building Commissioner - Demolition Permit Applications**

The Committee was in receipt of reports from the Building Commissioner respecting demolition permit applications and the Committee approved the following:

**That the Building Commissioner be authorized to issue a demolition permit for the following properties:**

- (a) 21 Gerrard Street
  - (b) 193 Ferrie Street
  - (c) 150 Catharine Street North

**D. DESIGNATION UNDER PART V OF THE ONTARIO HERITAGE ACT - MACNAB STREET PRESBYTERIAN CHURCH (I.A.C.A.C.)**

The Committee was in receipt of a report from the Secretary of L.A.C.A.C. dated 1991 April 29 respecting the above noted matter and approved the following:

That By-Law No. 87-248 designating the MacNab Street Presbyterian Church under Part IV of the Ontario Heritage Act be repealed in order to allow designating the church as part of the MacNab-Charles Heritage Conservation District under Part V of the Ontario Heritage Act.

1. **PUBLIC MEETING - RENTAL HOUSING PROTECTION ACT APPLICATION - 555 CONCESSION STREET**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 30 respecting the above noted matter.

Discussion ensued on the impact this conversion would have to affordable rental units, and the Committee agreed to unconditionally approve the application of Peter Contant, owner, for conversion of five apartment units at 555 Concession Street as follows:

That unconditional approval be given to Rental Housing Protection Act Application CU-91-001, Peter Contant, owner, for conversion of five apartment units at 555 Concession Street.

**DIRECTOR OF PUBLIC WORKS**

2. **1991 - 1993 Ministerial Allocation - Central/Beasley P.R.I.D.E. Housing Intensification Programme**

The Committee was in receipt of a report from the Director of Public Works dated 1991 April 30 respecting the above noted matter and the Committee approved the following:

- (a) That the City of Hamilton notify the Ministry of Municipal Affairs of its intent to utilize the Central/Beasley P.R.I.D.E. Housing Intensification allocation of seven hundred and twenty thousand dollars (\$720,000) to equal a total project cost of one million, four hundred and forty thousand dollars (\$1,440,000); and,
- (b) That the Central/Beasley P.R.I.D.E. Housing Intensification Programme, Project No. 177.0 be proceeded with at a total cost of one million, four hundred and forty thousand dollars (\$1,440,000) as contained and approved in the 1991 to 1995 Capital Budget Programme.

**CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE**

3. **Central and Beasley Neighbourhood Plans**

The Committee was in receipt of a report from the Chairperson of C.A.P.I.C. dated 1991 April 30 respecting the above-noted matter.

The Committee agreed with the recommendation that neighbourhood plans for Central and Beasley be combined.

**DIRECTOR OF LOCAL PLANNING**

4. Site Plan Control Application DA-90-99 to Amend DA-88-86, by Taba Developments Ltd.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 30 respecting the above noted matter.

The Committee approved the following:

That approval be given to Site Plan Control Application DA-90-99 to amend DA-88-86, by Taba Developments Ltd., owner of land known as 1424 Upper Ottawa for modifications to the access driveways, parking, loading and manoeuvring areas to establish Phase 1 of a two phased industrial/commercial condominium development subject to the following:

- (a) Modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) Approval of the Committee of Adjustment to permit a 30m minimum southerly side yard requirement instead of the required 6.0m minimum;
- (c) Provision of a mutual right-of-way agreement between the subject property and the property to the north for the combined 20 foot wide driveway over Parts 1 and 2 on Plan 62R-9773;
- (d) Provision of a Reciprocal Agreement and appropriate agreements which will govern the relationship between the Condominium Plan for Phase 1 and the future condominium plan for Phase 2 on the subject land;
- (e) Submission of revised plans detailing the site layout, grading, and landscaping of Phase 2.

That in regard to Site Plan Control Application DA-90-99 by Taba Developments Ltd., owners of lands known as 1424 Upper Ottawa Street for modifications to the access driveways, parking, loading and manoeuvring areas to establish Phase 1 of a two phased industrial/commercial development, that the plans and drawings of Site Plan Control Application DA-90-99 and including plans showing Phase 2, be registered on title.

**Request For Comments - Environmentally Sensitive Area Development Study, Geomatics International 1990 - Prepared for Hamilton-Wentworth Region**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 2 respecting the above noted matter. The Committee approved the following:

That the City Clerk be directed to:

- (a) advise the Region that the City supports the recommendations of the "Environmentally Sensitive Area Development Sensitivity Study"; and,

- (b) request the Region for the opportunity to comment on any specific amendments to the Region's Official Plan that may result from this study, in order to assess their implications in more detail.

6. In Camera Agenda

At this point the Committee agreed to move in camera to discuss a matter of a private and confidential nature. The Committee then moved back into regular session and the Committee approved that the item respecting the Custom House be tabled and that the owner of the property, Mr. Don Warner, be invited to come to the Planning and Development Committee to discuss the report of the Director of Property respecting the appraised value of the Custom House. NOTE: Alderman Kiss opposed.

ZONING APPLICATIONS

7. **Zoning Application 90-73, M. Finochio and Mascia Enterprise, owners, for a change in zoning from "AA" to "RT-20" for land on the east side of West Fifth Street in the area south of Stone Church Road West; Mewburn Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 25 respecting the above noted matter. The Committee was also in receipt of a letter of submission from Mr. John D. Rosart, Chairman, Rosart Properties Inc. in support of the application.

Report of the circularization was given as follows: 57 notices sent, 3 in favour; 8 opposed.

Mr. Finochio, spoke on why the zoning application should be approved.

Mr. Memmolo, owner of properties at 1146 and 1150 West Fifth Street spoke to the Committee in opposition to the application, and submitted a petition he obtained from area residents.

The owner of property at 330 Green Cedar Drive spoke to the Committee in support of an affordable housing project, and encouraged support of this application.

Mr. Finochio then responded and again indicated that he wishes that the Committee would approve his application for this non-profit housing project.

Mrs. Raimey, 1041 West Fifth Street questioned the style of housing that would go into such a development and Mr. Paul Mallard of the Planning Department clarified that it is townhousing and the tenure is non-profit.

The Committee discussed this matter and approved the following denial recommendation:

That Zoning Application 90-73, Mary Finochio and Mascia Enterprise, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (townhouse-Maisonette) District, to permit a 120 unit townhouse development on property located on the east side of West Fifth Street in the area south of Stone Church Road West, as shown on the attached map marked as Appendix "A", be denied for the following reasons:

- (a) The proposed townhouse development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject land for "Single and Double Residential" use;
  - (b) It would be incompatible with existing and future intended uses in the surrounding area; and,
  - (c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the neighbourhood plan and alter the character of the area.
8. **Zoning Application 91-03, A.J. Boiago, owner, for a change in zoning from "AA" and "C" to "RT-20" for land at 1285 Upper Gage Avenue, Quinndale Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 26 respecting the above noted zoning application.

The Committee was also in receipt of a letter of submission from Ron & Wendy Richardson, 71 Queen Victoria Drive.

Report of the circularization was given as follows: 187 notices sent, 6 in favour; 9 opposed.

Mr. Arthur Boiago, owner and applicant spoke to the Committee and requested approval of his application.

Mrs. Wendy Richardson, 71 Queen Victoria Drive spoke in respect of her letter submitted to the Committee. She indicated that the area is very densely populated now and that schools are having to bus children out of the area due to the denseness and the fact that schools cannot support the population that currently exists. She added that approval of this application will only worsen the situation.

The Committee then approved the following:

That approval be given to Zoning Application 91-03, Arthur Boiago, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "2", to permit development of the subject lands for 14 townhouses, for property located at 1285 Upper Gage Avenue, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
- (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District;
- (c) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
  - (i) That Section 10E(2)(a)3. shall not apply;

- (ii) That a landscaped area of not less than 3.0 m in width shall be provided and maintained along the entire northerly and easterly property lines;
- (iii) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire northerly and easterly property lines;
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1229, and the subject lands on Zoning District Maps E-49B and E-49C be noted S-1229;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49B and E-49C for presentation to City Council;
- (vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (vii) That the approved Quinndale Neighbourhood Plan be amended by redesignating the subject lands to "Attached Housing".

Note: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District modified for Block "1" and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District modified for Block "2", for property located at 1285 Upper Gage Avenue.

The effect of the By-law is to permit development of the subject lands for fourteen townhouse units. In addition, the By-law establishes the following variances as special provisions:

- (a) No street townhouses shall be permitted;
- (b) A 3.0 m landscaped area shall be provided and maintained along the entire northerly and easterly lot lines; and,
- (c) A visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire northerly and easterly lot lines.

NOTE: Alderman Kiss opposed

9. **Zoning Application 91-09, Hamilton General Homes (1971) Ltd., owner, for a further modification to the "G-4" District, regulations for property at 25 Redmond Drive; Rushdale Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 25 respecting the above noted matter.

The Committee was also in receipt of a letter of submission from Mr. & Mrs. Napper, 190 Rushdale Drive.

The Committee approved the following:

That approval be given to Zoning Application 91-09, Hamilton General Homes, owner, requesting a further modification to the "G-4" (Designed Neighbourhood Shopping Area) District regulations, to permit a restaurant having a gross floor area of 205 m<sup>2</sup> (2,207 sq.ft.) in Phase 1 of the existing plaza, for the property located at 25 Redmond Drive and 549 Stone Church Road East, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations, as contained in Section 13D of Zoning By-law No. 6593, as amended by By-law No. 90-141, be further modified to include the following variances as special requirements:
  - (i) That Section 3.(b)1. of By-law No. 90-141 be deleted and the subsequent subclause be renumbered accordingly.
  - (ii) That Section 3.(c) of By-law No. 90-141 be deleted in its entirety.
  - (iii) That a new Section 3.(c) be added to By-law No. 90-141 as follows:

"Notwithstanding Section 13D(1)B(iv) of Zoning By-law No. 6593, only one restaurant having a maximum gross floor area of 205 m<sup>2</sup> without any dancing or other entertainment except music shall be permitted."

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1166a, and that the subject lands on Zoning District Map E-27C be notated S-1166a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the by-law is to provide for a further modification to the "G-4" (Designed Neighbourhood Shopping Area) District regulations, for the property located at 25 Redmond Drive and 549 Stone Church Road East.

The effect of the by-law is to permit only one restaurant, (excluding entertainment except music) having a maximum gross floor area of 205 m<sup>2</sup> (2,207 sq. ft.) within the existing plaza in Phase 1. Currently, a restaurant is only permitted in the existing stone house located at 549 Stone Church Road East (Phase 2). As a result, a restaurant will no longer be permitted in the stone house.

10. Subdivision Application 25T-90024, Application to the Official Plan, and Zoning Application 90-40, Patran Holdings Ltd., owners, for changes in zoning from "M-14" to "R-4", "RT-30", "E" and "E-1" for lands municipally known as 45 Rifle Range Road; Ainslie Wood Neighbourhood.

Alderman Formosi declared a conflict of interest since a family member is one of the principal owners of this property, and left the room. The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 2 respecting the above noted matter.

The Committee was in receipt of the following letters of submission:

- (a) Submission - J. Maklo
- (b) Submission - Hillary A. Amolins
- (c) Submission - Carl D. Richards, 149 Whitney Avenue

Alderman Kiss circulated additional information as follows:

A submission from Hillary A. Amolins, dated 1991 May 7 and a submission from Carl and Laura Richards, 149 Whitney Avenue.

Mr. Mallard of the Planning Department advised the Committee that page 8 of their report should be amended in paragraph 3, where it reads that "the Board does not have sufficient lead time to make the necessary arrangements once the subdivision plan has been approved and construction begins". Mr. Mallard clarified that the word "not" should be removed to indicate that the Board does have sufficient lead time, etc.

Report of the circularization was given as follows: 203 notices sent, 14 in favour; 12 opposed.

Mr. Turkstra, Mr. Fothergill, and Mr. Paletta, representatives of the owners spoke to the Committee with respect to their request for support. Mr. Turkstra spoke and indicated that there is little support from the community to keep the land industrial and he spoke on the need for affordable housing and the current market realities. He advised that he is not in support of the Planning Department's down scale proposal for the lands, and feels that the attitude opposing townhousing is wrong, and must change.

Mr. Fothergill outlined a visual drawing of their proposal and indicated that 10,000 square feet will be provided on site for a park and would come back as a site plan for the specifics.

Mr. Turkstra also added that if this land were on the mountain, it would be planned as townhousing and questioned why the Westdale area should be any different. Mr. Turkstra also made reference to the possible expropriation by the Separate School Board of this land and advised that they have not made firm commitments on whether they want the land, and thus developers are proceeding. He added that six acres are being set aside for the possible acquisition by the Separate School Board.

Mrs. Richardson, 149 Whitney Avenue spoke in support of the Separate School Board's use of the land. She added that they do not wish to see industry, and are concerned with the traffic, and suggested several stop signs. She also indicated that if approved the apartments proposed would block the family homes view of the escarpment.

A representative of St. Mary's School spoke and indicated that she would like to see the site as a Separate School.

Mr. Don May, Planning Consultant working with the Separate School Board on the expropriation of the land indicated that there is a May 22nd hearing of necessity scheduled regarding the expropriation of the lands. He added that the Separate School Board requires more than six acres, and will be trying to acquire the whole site.

The owner of property at 64 Rifle Range Road indicated he is a long-term resident of the area and wants something on the land. He spoke in support of the Separate School Board use.

Mr. K. Arnt, 236 Guildwood Drive spoke on behalf of his parents who are the owners of property at 70 Rifle Range Road. He indicated that he had been asked by the residents to speak on their behalf. He advised that at a Public Meeting held by the Developers, residents were asked if they wanted industry or residential. He also added that the approach used by the Developers was one of fear tactics and most inappropriate. He added that the neighbours do not want industry and are upset that the candy factory on Ewen Road was allowed to expand. He added that the neighbours are in support of the Separate School Board use. He referred to uses on surrounding properties, and indicated that if approved, the Rifle Range Road property would have dense traffic flow and difficulties which now exist would be complicated and that the neighbours are concerned at this proposed density.

The owner of property at 78 Rifle Range Road spoke and questioned whether the infra-structure could handle this development. He added that only one storm sewer exists now, and that he has had a leaky basement for a number of years. He added that he supports the Separate School Board use.

The representatives of the applicants then responded to the submissions of the neighbours and advised that they did not perceive their methods used at the Public Meeting to be fear tactics, and outlined what the Public Meeting consisted of. They added that in the staff report the Traffic Department does not have a problem with the proposal. Mr. Turkstra also pointed out that should the Separate School Board obtain land that it is anticipated that 286 cars will be utilizing this school site and the traffic impact by the school would be greater than that of a residential area. He also added that the Separate School Board has previously cancelled hearings twice in the past, and that as a result, it was felt by the Developer that the Separate School Board may never act, and that they cannot wait any longer. Mr. Turkstra added that further to the Engineering Department the services for this development are in place.

General discussion then ensued on this matter by the Committee.

Moved by Alderman Kiss that the application be denied. NOTE: No seconder obtained.

The Committee then approved the following:

- (A) That approval be given to amended Zoning Application 90-40, Patran Holdings Limited, owner, requesting an Official Plan Amendment to redesignate lands from "Industrial" to "Residential" and to remove them from "Special Policy Area 11", and for changes in zoning from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District (Block "1"), to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to "RT-20" (Townhouse-Maisonette) District (Block "3"), to "RT-30" (Street-Townhouse) District (Block "4"), to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "5"),

and to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "6"), to permit single-family dwellings, semi-detached dwellings, townhouse dwellings, street townhouse dwellings and apartments on property located at 45 Rifle Range Road, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the Official Plan Amendment also include the additional lands owned by the applicant (approx. 6 ac.), as shown on Appendix "D";
  - (b) That the density of development be restricted to a maximum of 282 units as follows:
    - (i) Block "1" - 6 single-family dwellings;
    - (ii) Block "2" - 6 semi-detached dwelling units;
    - (iii) Block "3" - 25 townhouse units (condominium);
    - (iv) Block "4" - 36 street townhouses;
    - (v) Block "5" - 80 dwelling units (apartments);
    - (vi) Block "6" - 129 dwelling units (apartments).
  - (c) That the additional lands owned by the applicant (approx. 6 ac.), as shown on Appendix "D", be appropriately rezoned.
  - (d) That the Official Plan Amendment and Zoning By-law Amendment not be forwarded for Council adoption until the details and conditions of zoning (e.g. uses, density, building heights/setbacks, fencing, berthing, size and location of proposed park, etc.), in keeping with the plans approved by the Planning and Development Committee, have been finalized to the satisfaction of the Director of Local Planning.
  - (e) That the approved Ainslie Wood Neighbourhood Plan be appropriately amended.
- (B) That the proposed draft plan of subdivision "Greening Estates", Patran Holdings Limited, owner, under Regional File 25T-90024, be approved in accordance with Section (A) above, and that appropriate conditions of subdivision approval be developed to the satisfaction of the Director of Local Planning.

Recorded vote: Yeas - Drury, Lombardo, Merling, Wilson,  
McCulloch, Ross  
Nays - Kiss

Motion carried

11. **Zoning Application 90-88, 775751 Ontario Inc., (J. Paisley), applicant, for a change in zoning from "AA" and "C" to "HH" properties at 1425 and 1429 Upper James Street; Ryckmans Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 29 respecting the above noted matter.

The applicant was not in attendance and the Committee agreed that this matter be tabled.

12. **Zoning Application 91-12, D. and I. Golfi, owners, for a modification to the "C" District regulations for property at 66 East 14th Street; Inch Park Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 30, respecting the above-noted matter.

The Committee was also in receipt of the following letters of submission:

- (a) Andre & Jackie Beaudin, 53 East 14th Street.
- (b) Stanford & Olga Holmes, 101 East 14th Street.
- (c) R. Walker, 65 East 14th Street.
- (d) Wallace W. Meneray, 105 East 14th Street.
- (e) D. A. Duffie, 57 East 14th Street.

Report of the circularization was given as follows:

140 notices sent      7 in favour      37 opposed

Mr. Joe Golfi, son of the owners, who lives at 139 Burwood Drive, spoke to the Committee with respect that his parent's application be approved, in order to permit a two family dwelling in a single family home. He indicated that the Traffic and Engineering Department did not object and also questioned why an addition could not be added to the building to allow more room for a second unit. The Staff clarified that conversion standards would not allow this.

Mr. W. Hay, 92 East 15th Street, spoke in opposition to the application and asked how many families were living in the building. It was indicated to him that there are two families. Mr. Hay further questioned the amount of time that would be involved to ensure that the second family was removed in order to return the building to its legal use.

Mr. R. Clavir, 70 East 14th Street, spoke and indicated that he is the next door neighbour to this building. He questioned whether in the interim the illegal tenant will still be allowed to remain and the owner allowed to continue to collect rent. He indicated that the illegal unit has increased traffic in the area and stressed that it is a prime first-time home owner neighbourhood.

Mr. D. Martin, 66 East 14th Street, referred to his letter of opposition sent to the Ward Aldermen.

Mr. J. Rappazzo, 61 East 14th Street, spoke briefly to the Committee and indicated that he is opposed to the application.

Mr. Golfi Jr. was then allowed an opportunity to respond to the comments made by the neighbours and at that point issued a warning and a threat to the neighbours that he would move in large families and big people to make the neighbourhood unsatisfactory.

Alderman Merling, the Ward Alderman, indicated quite strongly to Mr. Golfi and to the neighbours that he would be watching for any type of threat such as previously mentioned to be carried out and took great exception at Mr. Golfi Jr.'s statements.

The Committee then approved the following denial recommendation:

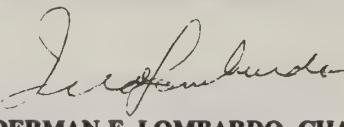
That Zoning Application 91-12 Domenic Golfi and Irene Golfi, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established two - family dwelling, for property located at 66 East 14th Street, as shown on the attached map marked as Appendix "E", be denied for the following reasons:

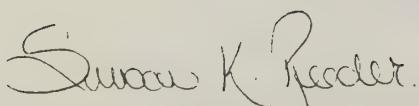
- (a) It represents an intrusion of a two-family dwelling into an area primarily occupied by single-family dwellings;
- (b) It conflicts with the intent of the conversion requirements of Section 19 of the Zoning By-law, in that:
  - (i) The dwelling was erected after the 25th day of July 1940 (built in 1947) and, as such, is not eligible for conversion;
  - (ii) The lower unit (cellar) and a portion of the level of the upper unit are not considered lawful floor area for the purposes of living quarters as defined by the Zoning By-law.
- (c) Two on-site parking spaces are required whereas only one legal parking space is proposed;
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and change the character of the neighbourhood.

13. ADJOURNMENT

There being no further business the meeting then adjourned.

Taken as written and approved,

  
ALDERMAN F. LOMBARDO, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE



Susan K. Reeder  
Secretary  
1991 May 8

**CONSENT AGENDA  
PLANNING AND DEVELOPMENT COMMITTEE  
1991 JUNE 19TH**

**A. MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE**

- (a) Minutes of the meeting held Wednesday, 1991 May 8th.
- (b) Minutes of the meeting held Wednesday, 1991 May 22nd.

**BUILDING COMMISSIONER**

**B. Demolition Permit Applications**

- (a) 718 Stone Church Road East
- (b) 60 Ofield Road
- (c) 505 Wellington Street North
- (d) 12-16 Douglas Street
- (e) 98-102 Burton Street
- (f) 358 East 43rd Street
- (g) 163 Stone Church Road East

URBAN MUNIC AL

JUN 12 1991

GOVERNMENT DOCUMENTS

**C. City of Hamilton Heritage Programme Applications**

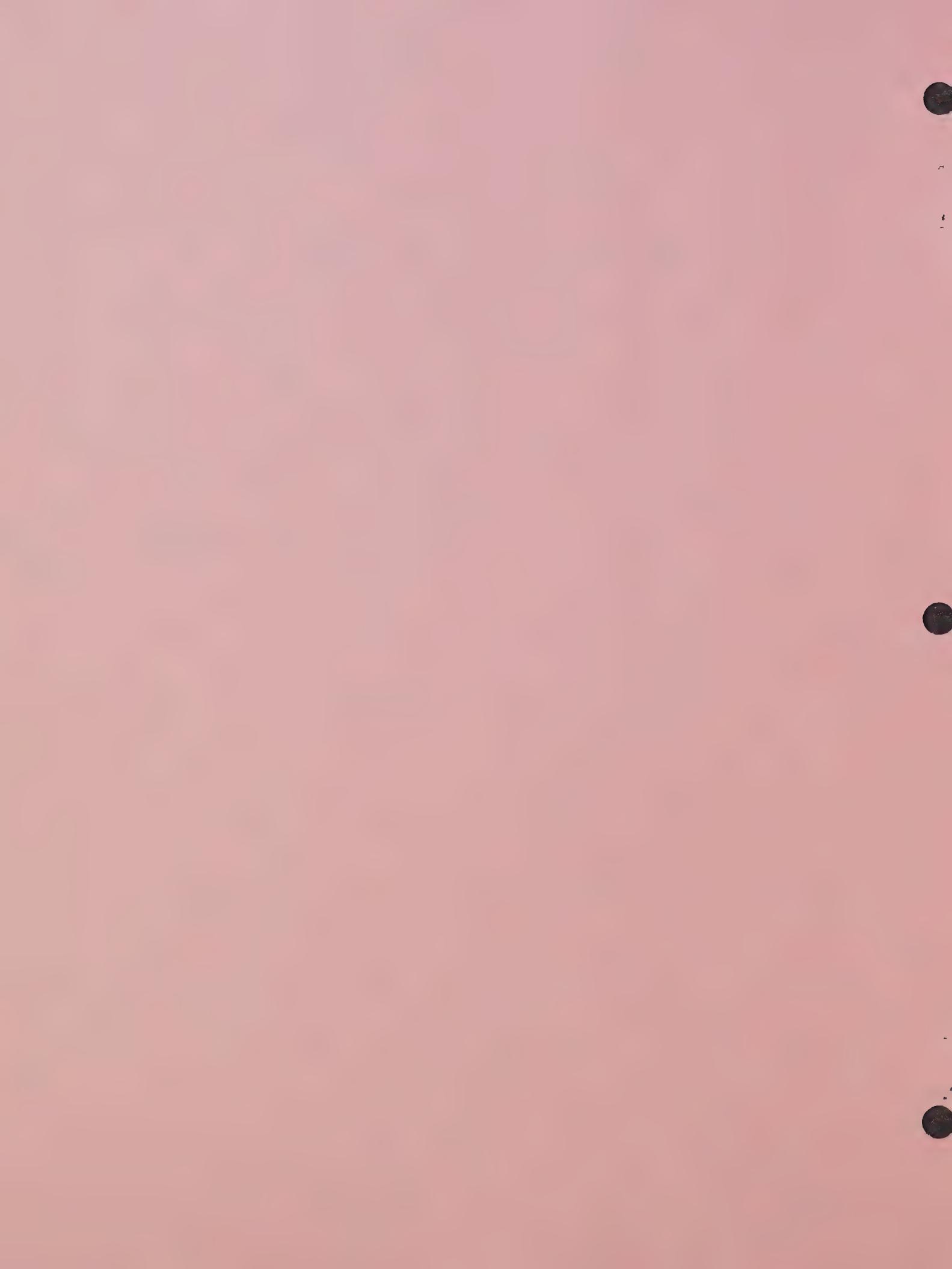
- (a) 27 Bold Street
- (b) 128 St. Clair Avenue
- (c) 64 Forest Avenue

**D. DIRECTOR OF PROPERTY**

Expropriation by the City of 19, 23 and 27 Gerrard Street and 393 Sherman Avenue North, and purchase by the City of 31 Gerrard Avenue. (Alpha West Residential Enclave Clearance Program.)

**E. COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES**

Cash Payment in Lieu of 5% Parkland Dedication - "Bar-Brock Estates - Phase 3".



Wednesday 1991 May 8th  
9:30 a.m. o'clock a.m.  
Room 233, City Hall

A( $\alpha$ )

## The Planning and Development Committee met.

**There were present:** Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice Chairman  
Alderman W. McCulloch  
Alderman V. Formosi  
Alderman H. Merling  
Alderman D. Wilson  
Alderman M. Kiss  
Alderman D. Ross

**Regrets:** Mayor Robert M. Morrow  
(Civic Business)

**Also Present:**

Mr. D. Kelterborn, Board of Education  
Mr. L. Sage, Chief Administrative Officer  
Mr. A. Georgieff, Director of Local Planning  
Ms. M. Domagala, Planning  
Mr. B. Janssen, Planning  
Mr. D. Powers, Law Department  
Mr. M. Watson, Real Estate  
Mr. P. Lampman, Deputy Building Commissioner  
Mr. K. Brenner, Regional Engineering  
Mrs. N. Chapel, Planning  
Mr. J. Sakala, Planning  
Mr. R. Karl, Traffic  
Mr. B. Allick, Building  
Mr. D. Ellis, Building  
Ms. J. Pacey, Community Renewal Section, Public Works  
Mr. L. Lanza, Regional Planning  
Mr. P. Mallard, Planning  
Mr. G. Whitehouse, Planning  
Mrs. Susan K. Reeder, Secretary

## **A CONSENT AGENDA**

## **Building Commissioner - Demolition Permit Applications**

The Committee was in receipt of reports from the Building Commissioner respecting demolition permit applications and the Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

- (a) 21 Gerrard Street
  - (b) 193 Ferrie Street
  - (c) 150 Catharine Street North

**D. DESIGNATION UNDER PART V OF THE ONTARIO HERITAGE ACT - MACNAB STREET PRESBYTERIAN CHURCH (L.A.C.A.C.)**

The Committee was in receipt of a report from the Secretary of L.A.C.A.C. dated 1991 April 29 respecting the above noted matter and approved the following:

That By-Law No. 87-248 designating the MacNab Street Presbyterian Church under Part IV of the Ontario Heritage Act be repealed in order to allow designating the church as part of the MacNab-Charles Heritage Conservation District under Part V of the Ontario Heritage Act.

1. **PUBLIC MEETING - RENTAL HOUSING PROTECTION ACT APPLICATION - 555 CONCESSION STREET**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 30 respecting the above noted matter.

Discussion ensued on the impact this conversion would have to affordable rental units, and the Committee agreed to unconditionally approve the application of Peter Contant, owner, for conversion of five apartment units at 555 Concession Street as follows:

That unconditional approval be given to Rental Housing Protection Act Application CU-91-001, Peter Contant, owner, for conversion of five apartment units at 555 Concession Street.

**DIRECTOR OF PUBLIC WORKS**

2. **1991 - 1993 Ministerial Allocation - Central/Beasley P.R.I.D.E. Housing Intensification Programme**

The Committee was in receipt of a report from the Director of Public Works dated 1991 April 30 respecting the above noted matter and the Committee approved the following:

- (a) That the City of Hamilton notify the Ministry of Municipal Affairs of its intent to utilize the Central/Beasley P.R.I.D.E. Housing Intensification allocation of seven hundred and twenty thousand dollars (\$720,000) to equal a total project cost of one million, four hundred and forty thousand dollars (\$1,440,000); and,
- (b) That the Central/Beasley P.R.I.D.E. Housing Intensification Programme, Project No. 177.0 be proceeded with at a total cost of one million, four hundred and forty thousand dollars (\$1,440,000) as contained and approved in the 1991 to 1995 Capital Budget Programme.

**CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE**

3. **Central and Beasley Neighbourhood Plans**

The Committee was in receipt of a report from the Chairperson of C.A.P.I.C. dated 1991 April 30 respecting the above-noted matter.

The Committee agreed with the recommendation that neighbourhood plans for Central and Beasley be combined.

DIRECTOR OF LOCAL PLANNING

4. Site Plan Control Application DA-90-99 to Amend DA-88-86, by Taba Developments Ltd.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 30 respecting the above noted matter.

The Committee approved the following:

That approval be given to Site Plan Control Application DA-90-99 to amend DA-88-86, by Taba Developments Ltd., owner of land known as 1424 Upper Ottawa for modifications to the access driveways, parking, loading and manoeuvring areas to establish Phase 1 of a two phased industrial/commercial condominium development subject to the following:

- (a) Modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) Approval of the Committee of Adjustment to permit a 30m minimum southerly side yard requirement instead of the required 6.0m minimum;
- (c) Provision of a mutual right-of-way agreement between the subject property and the property to the north for the combined 20 foot wide driveway over Parts 1 and 2 on Plan 62R-9773;
- (d) Provision of a Reciprocal Agreement and appropriate agreements which will govern the relationship between the Condominium Plan for Phase 1 and the future condominium plan for Phase 2 on the subject land;
- (e) Submission of revised plans detailing the site layout, grading, and landscaping of Phase 2.

That in regard to Site Plan Control Application DA-90-99 by Taba Developments Ltd., owners of lands known as 1424 Upper Ottawa Street for modifications to the access driveways, parking, loading and manoeuvring areas to establish Phase 1 of a two phased industrial/commercial development, that the plans and drawings of Site Plan Control Application DA-90-99 and including plans showing Phase 2, be registered on title.

Request For Comments - Environmentally Sensitive Area Development Study, Geomatics International 1990 - Prepared for Hamilton-Wentworth Region

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 2 respecting the above noted matter. The Committee approved the following:

That the City Clerk be directed to:

- (a) advise the Region that the City supports the recommendations of the "Environmentally Sensitive Area Development Sensitivity Study"; and,

- (b) request the Region for the opportunity to comment on any specific amendments to the Region's Official Plan that may result from this study, in order to assess their implications in more detail.

6. In Camera Agenda

At this point the Committee agreed to move in camera to discuss a matter of a private and confidential nature. The Committee then moved back into regular session and the Committee approved that the item respecting the Custom House be tabled and that the owner of the property, Mr. Don Warner, be invited to come to the Planning and Development Committee to discuss the report of the Director of Property respecting the appraised value of the Custom House. NOTE: Alderman Kiss opposed.

ZONING APPLICATIONS

7. **Zoning Application 90-73, M. Finochio and Mascia Enterprise, owners, for a change in zoning from "AA" to "RT-20" for land on the east side of West Fifth Street in the area south of Stone Church Road West; Mewburn Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 25 respecting the above noted matter. The Committee was also in receipt of a letter of submission from Mr. John D. Rosart, Chairman, Rosart Properties Inc. in support of the application.

Report of the circularization was given as follows: 57 notices sent, 3 in favour; 8 opposed.

Mr. Finochio, spoke on why the zoning application should be approved.

Mr. Memmolo, owner of properties at 1146 and 1150 West Fifth Street spoke to the Committee in opposition to the application, and submitted a petition he obtained from area residents.

The owner of property at 330 Green Cedar Drive spoke to the Committee in support of an affordable housing project, and encouraged support of this application.

Mr. Finochio then responded and again indicated that he wishes that the Committee would approve his application for this non-profit housing project.

Mrs. Raimey, 1041 West Fifth Street questioned the style of housing that would go into such a development and Mr. Paul Mallard of the Planning Department clarified that it is townhousing and the tenure is non-profit.

The Committee discussed this matter and approved the following denial recommendation:

That Zoning Application 90-73, Mary Finochio and Mascia Enterprise, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (townhouse-Maisonette) District, to permit a 120 unit townhouse development on property located on the east side of West Fifth Street in the area south of Stone Church Road West, as shown on the attached map marked as Appendix "A", be denied for the following reasons:

- (a) The proposed townhouse development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject land for "Single and Double Residential" use;
  - (b) It would be incompatible with existing and future intended uses in the surrounding area; and,
  - (c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the neighbourhood plan and alter the character of the area.
8. **Zoning Application 91-03, A.J. Boiago, owner, for a change in zoning from "AA" and "C" to "RT-20" for land at 1285 Upper Gage Avenue, Quinndale Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 26 respecting the above noted zoning application.

The Committee was also in receipt of a letter of submission from Ron & Wendy Richardson, 71 Queen Victoria Drive.

Report of the circularization was given as follows: 187 notices sent, 6 in favour; 9 opposed.

Mr. Arthur Boiago, owner and applicant spoke to the Committee and requested approval of his application.

Mrs. Wendy Richardson, 71 Queen Victoria Drive spoke in respect of her letter submitted to the Committee. She indicated that the area is very densely populated now and that schools are having to bus children out of the area due to the denseness and the fact that schools cannot support the population that currently exists. She added that approval of this application will only worsen the situation.

The Committee then approved the following:

That approval be given to Zoning Application 91-03, Arthur Boiago, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "2", to permit development of the subject lands for 14 townhouses, for property located at 1285 Upper Gage Avenue, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
- (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District;
- (c) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
  - (i) That Section 10E(2)(a)3. shall not apply;

- (ii) That a landscaped area of not less than 3.0 m in width shall be provided and maintained along the entire northerly and easterly property lines;
- (iii) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire northerly and easterly property lines;
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1229, and the subject lands on Zoning District Maps E-49B and E-49C be notated S-1229;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49B and E-49C for presentation to City Council;
- (vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (vii) That the approved Quinndale Neighbourhood Plan be amended by redesignating the subject lands to "Attached Housing".

Note: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District modified for Block "1" and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District modified for Block "2", for property located at 1285 Upper Gage Avenue.

The effect of the By-law is to permit development of the subject lands for fourteen townhouse units. In addition, the By-law establishes the following variances as special provisions:

- (a) No street townhouses shall be permitted;
- (b) A 3.0 m landscaped area shall be provided and maintained along the entire northerly and easterly lot lines; and,
- (c) A visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire northerly and easterly lot lines.

NOTE: Alderman Kiss opposed

9. Zoning Application 91-09, Hamilton General Homes (1971) Ltd., owner, for a further modification to the "G-4" District, regulations for property at 25 Redmond Drive; Rushdale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 25 respecting the above noted matter.

The Committee was also in receipt of a letter of submission from Mr. & Mrs. Napper, 190 Rushdale Drive.

The Committee approved the following:

That approval be given to Zoning Application 91-09, Hamilton General Homes, owner, requesting a further modification to the "G-4" (Designed Neighbourhood Shopping Area) District regulations, to permit a restaurant having a gross floor area of 205 m<sup>2</sup> (2,207 sq.ft.) in Phase 1 of the existing plaza, for the property located at 25 Redmond Drive and 549 Stone Church Road East, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations, as contained in Section 13D of Zoning By-law No. 6593, as amended by By-law No. 90-141, be further modified to include the following variances as special requirements:
  - (i) That Section 3.(b)1. of By-law No. 90-141 be deleted and the subsequent subclause be renumbered accordingly.
  - (ii) That Section 3.(c) of By-law No. 90-141 be deleted in its entirety.
  - (iii) That a new Section 3.(c) be added to By-law No. 90-141 as follows:

"Notwithstanding Section 13D(1)B(iv) of Zoning By-law No. 6593, only one restaurant having a maximum gross floor area of 205 m<sup>2</sup> without any dancing or other entertainment except music shall be permitted."
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1166a, and that the subject lands on Zoning District Map E-27C be notated S-1166a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the by-law is to provide for a further modification to the "G-4" (Designed Neighbourhood Shopping Area) District regulations, for the property located at 25 Redmond Drive and 549 Stone Church Road East.

The effect of the by-law is to permit only one restaurant, (excluding entertainment except music) having a maximum gross floor area of 205 m<sup>2</sup> (2,207 sq. ft.) within the existing plaza in Phase 1. Currently, a restaurant is only permitted in the existing stone house located at 549 Stone Church Road East (Phase 2). As a result, a restaurant will no longer be permitted in the stone house.

10. Subdivision Application 2ST-90024, Application to the Official Plan, and Zoning Application 90-40, Patran Holdings Ltd., owners, for changes in zoning from "M-14" to "R-4", "RT-30", "E" and "E-1" for lands municipally known as 45 Rifle Range Road; Ainslie Wood Neighbourhood.

Alderman Formosi declared a conflict of interest since a family member is one of the principal owners of this property, and left the room. The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 2 respecting the above noted matter.

The Committee was in receipt of the following letters of submission:

- (a) Submission - J. Maklo
- (b) Submission - Hillary A. Amolins
- (c) Submission - Carl D. Richards, 149 Whitney Avenue

Alderman Kiss circulated additional information as follows:

A submission from Hillary A. Amolins, dated 1991 May 7 and a submission from Carl and Laura Richards, 149 Whitney Avenue.

Mr. Mallard of the Planning Department advised the Committee that page 8 of their report should be amended in paragraph 3, where it reads that "the Board does not have sufficient lead time to make the necessary arrangements once the subdivision plan has been approved and construction begins". Mr. Mallard clarified that the word "not" should be removed to indicate that the Board does have sufficient lead time, etc.

Report of the circularization was given as follows: 203 notices sent, 14 in favour; 12 opposed.

Mr. Turkstra, Mr. Fothergill, and Mr. Paletta, representatives of the owners spoke to the Committee with respect to their request for support. Mr. Turkstra spoke and indicated that there is little support from the community to keep the land industrial and he spoke on the need for affordable housing and the current market realities. He advised that he is not in support of the Planning Department's down scale proposal for the lands, and feels that the attitude opposing townhousing is wrong, and must change.

Mr. Fothergill outlined a visual drawing of their proposal and indicated that 10,000 square feet will be provided on site for a park and would come back as a site plan for the specifics.

Mr. Turkstra also added that if this land were on the mountain, it would be planned as townhousing and questioned why the Westdale area should be any different. Mr. Turkstra also made reference to the possible expropriation by the Separate School Board of this land and advised that they have not made firm commitments on whether they want the land, and thus developers are proceeding. He added that six acres are being set aside for the possible acquisition by the Separate School Board.

Mrs. Richardson, 149 Whitney Avenue spoke in support of the Separate School Board's use of the land. She added that they do not wish to see industry, and are concerned with the traffic, and suggested several stop signs. She also indicated that if approved the apartments proposed would block the family homes view of the escarpment.

A representative of St. Mary's School spoke and indicated that she would like to see the site as a Separate School.

Mr. Don May, Planning Consultant working with the Separate School Board on the expropriation of the land indicated that there is a May 22nd hearing of necessity scheduled regarding the expropriation of the lands. He added that the Separate School Board requires more than six acres, and will be trying to acquire the whole site.

The owner of property at 64 Rifle Range Road indicated he is a long-term resident of the area and wants something on the land. He spoke in support of the Separate School Board use.

Mr. K. Arnt, 236 Guildwood Drive spoke on behalf of his parents who are the owners of property at 70 Rifle Range Road. He indicated that he had been asked by the residents to speak on their behalf. He advised that at a Public Meeting held by the Developers, residents were asked if they wanted industry or residential. He also added that the approach used by the Developers was one of fear tactics and most inappropriate. He added that the neighbours do not want industry and are upset that the candy factory on Ewen Road was allowed to expand. He added that the neighbours are in support of the Separate School Board use. He referred to uses on surrounding properties, and indicated that if approved, the Rifle Range Road property would have dense traffic flow and difficulties which now exist would be complicated and that the neighbours are concerned at this proposed density.

The owner of property at 78 Rifle Range Road spoke and questioned whether the infra-structure could handle this development. He added that only one storm sewer exists now, and that he has had a leaky basement for a number of years. He added that he supports the Separate School Board use.

The representatives of the applicants then responded to the submissions of the neighbours and advised that they did not perceive their methods used at the Public Meeting to be fear tactics, and outlined what the Public Meeting consisted of. They added that in the staff report the Traffic Department does not have a problem with the proposal. Mr. Turkstra also pointed out that should the Separate School Board obtain land that it is anticipated that 286 cars will be utilizing this school site and the traffic impact by the school would be greater than that of a residential area. He also added that the Separate School Board has previously cancelled hearings twice in the past, and that as a result, it was felt by the Developer that the Separate School Board may never act, and that they cannot wait any longer. Mr. Turkstra added that further to the Engineering Department the services for this development are in place.

General discussion then ensued on this matter by the Committee.

Moved by Alderman Kiss that the application be denied. NOTE: No seconder obtained.

The Committee then approved the following:

- (A) That approval be given to amended Zoning Application 90-40, Patran Holdings Limited, owner, requesting an Official Plan Amendment to redesignate lands from "Industrial" to "Residential" and to remove them from "Special Policy Area 11", and for changes in zoning from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District (Block "1"), to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to "RT-20" (Townhouse-Maisonette) District (Block "3"), to "RT-30" (Street-Townhouse) District (Block "4"), to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "5"),

and to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "6"), to permit single-family dwellings, semi-detached dwellings, townhouse dwellings, street townhouse dwellings and apartments on property located at 45 Rifle Range Road, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the Official Plan Amendment also include the additional lands owned by the applicant (approx. 6 ac.), as shown on Appendix "D";
  - (b) That the density of development be restricted to a maximum of 282 units as follows:
    - (i) Block "1" - 6 single-family dwellings;
    - (ii) Block "2" - 6 semi-detached dwelling units;
    - (iii) Block "3" - 25 townhouse units (condominium);
    - (iv) Block "4" - 36 street townhouses;
    - (v) Block "5" - 80 dwelling units (apartments);
    - (vi) Block "6" - 129 dwelling units (apartments).
  - (c) That the additional lands owned by the applicant (approx. 6 ac.), as shown on Appendix "D", be appropriately rezoned.
  - (d) That the Official Plan Amendment and Zoning By-law Amendment not be forwarded for Council adoption until the details and conditions of zoning (e.g. uses, density, building heights/setbacks, fencing, berthing, size and location of proposed park, etc.), in keeping with the plans approved by the Planning and Development Committee, have been finalized to the satisfaction of the Director of Local Planning.
  - (e) That the approved Ainslie Wood Neighbourhood Plan be appropriately amended.
- (B) That the proposed draft plan of subdivision "Greening Estates", Patran Holdings Limited, owner, under Regional File 2ST-90024, be approved in accordance with Section (A) above, and that appropriate conditions of subdivision approval be developed to the satisfaction of the Director of Local Planning.

Recorded vote: Yeas - Drury, Lombardo, Merling, Wilson,  
McCulloch, Ross  
Nays - Kiss

Motion carried

11. **Zoning Application 90-88, 775751 Ontario Inc., (J. Paisley), applicant, for a change in zoning from "AA" and "C" to "HH" properties at 1425 and 1429 Upper James Street; Ryckmans Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 29 respecting the above noted matter.

The applicant was not in attendance and the Committee agreed that this matter be tabled.

12. **Zoning Application 91-12, D. and L. Golfi, owners, for a modification to the "C" District regulations for property at 66 East 14th Street; Inch Park Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 April 30, respecting the above-noted matter.

The Committee was also in receipt of the following letters of submission:

- (a) Andre & Jackie Beaudin, 53 East 14th Street.
- (b) Stanford & Olga Holmes, 101 East 14th Street.
- (c) R. Walker, 65 East 14th Street.
- (d) Wallace W. Meneray, 105 East 14th Street.
- (e) D. A. Duffie, 57 East 14th Street.

Report of the circularization was given as follows:

140 notices sent      7 in favour      37 opposed

Mr. Joe Golfi, son of the owners, who lives at 139 Burwood Drive, spoke to the Committee with respect that his parent's application be approved, in order to permit a two family dwelling in a single family home. He indicated that the Traffic and Engineering Department did not object and also questioned why an addition could not be added to the building to allow more room for a second unit. The Staff clarified that conversion standards would not allow this.

Mr. W. Hay, 92 East 15th Street, spoke in opposition to the application and asked how many families were living in the building. It was indicated to him that there are two families. Mr. Hay further questioned the amount of time that would be involved to ensure that the second family was removed in order to return the building to its legal use.

Mr. R. Clavir, 70 East 14th Street, spoke and indicated that he is the next door neighbour to this building. He questioned whether in the interim the illegal tenant will still be allowed to remain and the owner allowed to continue to collect rent. He indicated that the illegal unit has increased traffic in the area and stressed that it is a prime first-time home owner neighbourhood.

Mr. D. Martin, 66 East 14th Street, referred to his letter of opposition sent to the Ward Aldermen.

Mr. J. Rappazzo, 61 East 14th Street, spoke briefly to the Committee and indicated that he is opposed to the application.

Mr. Golfi Jr. was then allowed an opportunity to respond to the comments made by the neighbours and at that point issued a warning and a threat to the neighbours that he would move in large families and big people to make the neighbourhood unsatisfactory.

Alderman Merling, the Ward Alderman, indicated quite strongly to Mr. Golfi and to the neighbours that he would be watching for any type of threat such as previously mentioned to be carried out and took great exception at Mr. Golfi Jr.'s statements.

The Committee then approved the following denial recommendation:

That Zoning Application 91-12 Domenic Golfi and Irene Golfi, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established two - family dwelling, for property located at 66 East 14th Street, as shown on the attached map marked as Appendix "E", be denied for the following reasons:

- (a) It represents an intrusion of a two-family dwelling into an area primarily occupied by single-family dwellings;
- (b) It conflicts with the intent of the conversion requirements of Section 19 of the Zoning By-law, in that:
  - (i) The dwelling was erected after the 25th day of July 1940 (built in 1947) and, as such, is not eligible for conversion;
  - (ii) The lower unit (cellar) and a portion of the level of the upper unit are not considered lawful floor area for the purposes of living quarters as defined by the Zoning By-law.
- (c) Two on-site parking spaces are required whereas only one legal parking space is proposed;
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and change the character of the neighbourhood.

### 13. ADJOURNMENT

There being no further business the meeting then adjourned.

Taken as written and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1991 May 8

Wednesday, 1991 May 22  
9:30 o'clock a.m.  
Room 233, City Hall

The Planning and Development Committee met.

A (b)

There were present:      Alderman F. Lombardo, Chairman  
Alderman D. Drury, Vice Chairman  
Mayor Robert M. Morrow  
Alderman H. Merling  
Alderman D. Wilson  
Alderman D. Ross  
Alderman W. McCulloch  
Alderman V. Formosi

Regrets:      Alderman M. Kiss - ill

Also Present:      Alderman T. Jackson  
Alderman T. Cook  
Alderman D. Agostino  
Alderman G. Cops  
Mr. A. Georgieff, Director of Local Planning  
Mr. B. Janssen, Planning  
Mr. M. Watson, Real Estate  
Mr. R. Karl, Traffic  
Mr. L. King, Building Commissioner  
Ms. P. Noe Johnson, City Solicitor  
Mr. K. Brenner, Regional Engineering  
Mr. W. Wong, Building  
Mrs. N. Chappel, Planning  
Ms. J. McNeilly, Community Renewal, Public Works  
Mr. B. Allick, Building  
Mr. J. Sakala, Planning  
Mrs. J. Hickey Evans, Planning  
Mr. C. Firth-Egland, Parks, Public Works  
Mr. P. Mallard, Planning  
Ms. C. Coutts, City Clerks Office  
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

A - Minutes

The Committee was in receipt of the minutes of their meetings held Wednesday, 1991 March 20th (evening meeting) and Wednesday, 1991 April 24th and approved these minutes.

BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

B - Demolition Permit Application - 464 Wentworth Street North

The Committee was in receipt of a report from the Building Commissioner dated 1991 May 2 respecting the above noted matter, and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 464 Wentworth Street North.

C - City of Hamilton Heritage Program Application - 35, 39, 41, 43 Duke Street

The Committee was in receipt of a report from the Building Commissioner dated 1991 May 15 respecting the above noted matter, and approved the following:

That a Designated Property Grant in the amount of six thousand, two hundred and twenty five dollars (\$6,225.) be provided for Wentworth Condominium Corporation 35, 39, 41, 43 Duke Street, Hamilton.

**COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES**D - Cash Payment in Lieu of 5% Parkland Dedication - "Paradise Gate Estates" Elia Heights - Phase I

The Committee was in receipt of a report from the Commissioner of Transportation/Environmental Services dated 1991 May 14 respecting the above noted matter, and approved the following:

- (a) That the City of Hamilton accept the sum of \$118,800. as cash payment in lieu of the 5% dedication in connection with "Paradise Gate Estates", Hamilton, located east of Upper Paradise Road and north of Rymal Road, this being the cash requirement under Section 50 of the Planning Act; and,
- (b) That the City of Hamilton accept the sum of \$9,450. cash payment in lieu of the 5% dedication in connection with "Elia Heights - Phase One", Hamilton, located at the south-west corner of Eleanor Avenue and Stone Church Road East, this being the cash requirement under Section 50 of the Planning Act.

**DIRECTOR OF PROPERTY**E - Expropriation by the City - Part 1 on Expropriation Plan #79835 From Mr. Rupert Inniss

The Committee was in receipt of a report from the Director of Property dated 1991 May 14 respecting the above noted matter, and approved the following:

- (a) That the City accept an "Agreement by Owner to Accept Compensation" for the property of Rupert Inniss, executed on 1991 May 7 and scheduled for closing on 1991 September 30. The subject property has a frontage of 11.46 metres (37.6 feet), more or less, on the east side of Birch Avenue and a frontage of 17.7 metres (58.1 feet) on the south side of Gerrard Street, by a depth of 22.27 metres (73.06 feet), more or less, together with all structures erected thereon being Municipal No. 358 Birch Avenue.
- (b) The compensation of \$67,500. is to be charged to Account No. CF55903 08750001 (Land Acquisition - Enclave Clearance Program). Demolition is to take place upon closing.

**DIRECTOR OF LOCAL PLANNING****F - City of Hamilton Municipal Profile Database**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 14 respecting the above noted matter, and approved the following:

That the Director of Local Planning be authorized to notify the Ontario Ministry of Housing that the City of Hamilton, Municipal Building Profile Database has been completed and be requested to forward the outstanding \$2,000. of the \$20,000. Municipal Building Profile Grant.

**3. BUILDING COMMISSIONER****Physical Alterations - Building Department Reorganization of the Administration and Planning Divisions**

The Committee was in receipt of a report from the Building Commissioner dated 1991 May 15 respecting the above noted matter.

The Committee approved the following:

- (a) That the physical alterations relevant to the downsizing within the Building Department, be carried out at an estimated cost of \$125,000. The downsizing was part of the reorganization of the customer service division of the Building Department approved by City Council on 1991 March 26.
- (b) That the Finance and Administration Committee be requested to recommend a method of financing in accordance with the City Council resolution approved 1990 July 31 on unbudgeted capital expenditures.

**DIRECTOR OF PUBLIC WORKS****4. Commercial Improvement Program - Widening of Sidewalks on John Street South**

The Committee was in receipt of a report from the Director of Public Works dated 1991 May 14 respecting the above noted matter, and approved the following:

- (a) That funds be provided from the Commercial Improvement Programme Account No. CF5200 428705006 at a total cost of twenty-five thousand dollars (\$25,000.) for the provision of widened sidewalks on the east side of John Street South between Main and King from 21 - 31 John Street South as shown on the attached map marked as Appendix "A", and;
- (b) That Regional Council be requested to implement this proposal.

5. Business Improvement Areas - Commercial Improvement Program, 1991 Submission

Alderman Ross declared a conflict of interest in this matter since his wife owns a store within the Ottawa Street B.I.A.

The Committee was in receipt of a report and a subsequent revised report from the Director of Public Works dated 1991 May respecting the above noted matter, and approved the following:

- (a) That the Commercial Improvement Programme for 1991 estimated at two hundred and ninety-three thousand, nine hundred and thirty-six dollars (\$293,936.) as shown on the attached table marked as Appendix "B", be approved; and,
- (b) That the amount be charged to the Commercial Improvement Programme, Account No. CF5698 428705099.

6. Hamilton Street Railway Proposal For Locating Transit Shelters in the Downtown Hamilton Area

The Committee was in receipt of a report from the Director of Public Works dated 1991 May 15 respecting the above noted matter, and approved the following:

- (a) That in accordance with Phase III of the H.S.R. Bus Shelter Proposal, Hamilton Street Railway be given approval to install bus shelters in the proposed locations other than Gore Park as follows:
  - (i) King Street West, north side, between James Street North and MacNab Street (in front of Grand and Toy)
  - (ii) 2 shelters located on King Street East, north side, between Hughson Street North and James Street North
  - (iii) on King Street East, north side between John Street North and Hughson Street North
  - (iv) on James Street North, west side north of King William Street (in front of the Eaton's Centre)
- (b) That the public response to the Downtown shelters continue to be monitored.

**CITY SOLICITOR**

7. Disposition of Fines - Municipal Prosecutions

The Committee was in receipt of a report from the City Solicitor dated 1991 May 16 respecting the above noted matter, and approved the following:

That the following be referred to the Finance and Administration Committee.

That the Minister of Municipal Affairs be requested to introduce and secure the enactment of an amendment to the Planning Act 1983, and

the Fire Marshall's Act, so that proceeds of every fine imposed under any provision of those acts, will be paid to the Treasurer of the Municipality that prosecutes the offence, and bears the cost of such prosecution.

#### COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

8. Land Severance Application H-90-90 to H-96-90 (inclusive) Hamilton - 225 Acadia Drive, 11, 15, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive

The Committee was in receipt of a report from the Commissioner of Transportation/Environmental Services dated 1991 May 14 respecting the above noted matter, and approved the following:

- (a) That the City of Hamilton convey to the adjacent owners (Giovanni Fortino, Umberto Spagnuolo and Stan Felice) lands known as Part 8 of Plan 62R-11000, 225 Acadia Drive, 11, 15, 19, 23, 27, 31, 35, 47, 51 and 55 Beaverton Drive in the City of Hamilton, and that the sale price for these lands be \$1.00;
  - (b) That the City Real Estate Department be authorized and directed to sell Part 8, Plan 62R-11000; and,
  - (c) That the Mayor and City Clerk be authorized and directed to execute the documents required in this matter.
2. Alderman T. Jackson - Berrisfield Gardens Addition - Lot Grading

The Committee was in receipt of a letter from Alderman Jackson outlining the difficulty between the Developer and the Regional Engineering Department respecting the above noted matter.

The Committee was also in receipt of the following reports:

- a) Status report from the Secretary, Planning & Development Committee dated 1991 May 11 indicating that this matter had been tabled at the 1991 May 22 meeting to receive further reports from the staff.
- b) Information Staff Report from the Commissioner of Transportation/Environmental Services dated 1991 March 20.
- c) Information Report from the Commissioner of Transportation/Environmental Services dated 1991 May 13.

Alderman Jackson was in attendance and spoke to the additional staff report and the situation of disagreement between the Developer and the Regional Engineering staff on the cost of the additional work required by the City's contractors to complete the lot grading. Mr. Faiella and Mr. Jugovic, the Developers, were also in attendance at the meeting. They reiterated that they were angered that the estimate given by the City had doubled, and that they had not been advised when this was determined.

The Committee then discussed this matter at great length, and made the following recommendation:

- (a) That the Subdivider (668539 Ontario Ltd. - Bob Jugovic and Tony Faiella) be granted relief from the additional charges incurred by the City's contractor of approximately \$4,652.00 to complete the grading for Lots 7 and 8 in the Berrisfield Gardens Addition, Hamilton; and,
- (b) That the funds for these charges be derived departmentally from Account No. CH5X92700107 - Reserve for Services through Unsubdivided Lands.

#### REFERRAL FROM CITY COUNCIL

##### 9. Rezoning - Mohawk Sports Park/Bernie Arbour Stadium

The Committee was in receipt of a referral back from City Council of the above noted matter.

The Committee discussed this matter at some length, and made the following recommendation:

- a) That the Director of Local Planning be authorized to proceed with a City Initiative to initiate the modification of zoning at the Mohawk Sports Park and the Bernie Arbour Stadium to allow any approved user to obtain a stadium license to sell beer at the Bernie Arbour Stadium during their home games,
- b) That \$5 million dollars liquor license liability insurance, with the City as a named insured, be provided by any approved user.

#### DIRECTOR OF LOCAL PLANNING

##### 10. Request to Amend and Register Site Plan Control Application DA89-13, Lillian Heights Inc., Owner, 14 Derby Street, Broughton East Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter, and approved the following:

That approval be given to a request to amend plans of Site Plan Control Application DA-89-13, by Lillian Heights Inc., owner of lands at 14 Derby Street, to allow the site to be developed as two separate condominium corporations of 22 and 28 townhouse units subject to the following:

- i) modification to the plans to indicate the condominium boundary as marked in red on the plans;
- ii) approval by the Committee of Adjustment for the following variances for the 22 unit condominium project:
  - a) a lot area of 4,172 m<sup>2</sup> instead of the required 5,050 m<sup>2</sup>;

- b) a southerly side yard of 1.2 m instead of the required 3.0 m;
  - c) 5 parking spaces to be located on the adjacent townhouse project instead of on the lot;
- iii) approval by the Committee of Adjustment for the following variance for the 28 unit condominium project:
    - a) a northerly side yard of 1.8 m instead of the required 3.0 m.
  - iv) provision within the Site Plan Agreement that the owner be required to provide mutual right-of-way agreement, parking and access agreements and reciprocal agreements which will govern the relationships between the two condominium corporations;

The following recommendation will be forwarded to City Council for approval:

That the plans of Site Plan Control Application DA-89-13 by Lillian Heights Inc., owner of land known as 14 Derby Street, for a co-ordinated development of a 22 and 28 unit townhouse project, be registered on title.

11. Request for Comments - Niagara Escarpment Plan Five Year Review

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 16 respecting the above noted matter.

The Director of Local Planning outlined the recommendations contained within the report and considerable discussion ensued on this matter by the Committee.

The Committee made various amendments to the staff recommendation, namely to ensure that designation for Sam Lawrence Park remains as it is, that no rights be relinquished on the City's autonomy, and that no impact occur on lands that effect freeway development.

The Committee then approved that the following recommendation to be forwarded to the Parks and Recreation Committee for consideration:

That the Clerk be requested to advise the Region and the Niagara Escarpment Commission that:

- a) the City of Hamilton recommends that the existing "Urban Area" designation in the Niagara Escarpment Plan for a portion of the Mohawk Sports Park (bounded by Mohawk Road to the north, the abandoned rail r.o.w. to the west, Limeridge Road to the south and Mountain Brow Blvd. to the east) and Sam Lawrence Park be maintained and not be redesignated "Escarpment Protection Area", since it will impact on the future use of these areas.
- b) the other changes proposed to the Niagara Escarpment Plan do not adversely impact on the planning intentions of the City and can be supported. In particular:
  - i) the inclusion of the Bruce Trail into the Niagara Escarpment Plan with policies for the development and protection of various components of the Trail;

- ii) the redesignation of lands east of Albion Falls to "Escarpment Protection Area", and,
  - iii) the inclusion of the southern portion of the Royal Botanical Gardens/Cootes Paradise in to the Niagara Escarpment Plan.
- c) that the City will not relinquish any rights on their autonomy for future plans.
  - d) that there be no impact on lands that affect freeway development.

#### CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

##### 12. Via Rail Service

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee (C.A.P.I.C.) respecting Via Rail Service.

The Committee endorsed that the following recommendations be forwarded to the Transport and Environment Committee for their consideration:

- a) That City Council endorse the Regional Council of Niagara's resolution herewith attached in the report of the Central Area Plan Implementation Committee, and formally express concerns over the proposed cuts in Via service to the Federal Minister of Transport, and;
- b) That City Council request the Region of Hamilton-Wentworth to formally endorse the Regional Municipality of Niagara's resolution with respect to retaining passenger service to downtown Hamilton from Niagara, and;
- c) That this matter be referred to the Task Force on the future of the CN Rail station for further review.

#### ZONING APPLICATIONS

##### 13. Zoning Application 89-103, Steinnagel Construction Limited, Owner, For a Change in Zoning from "AA" to "C" for lands on the North Side of Brenda Street in the Area East of Eleanor Avenue: Eleanor Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 16 respecting the above noted matter, and approved the following:

That approval be given to Zoning Application 89-103, Steinnagel Construction, owner requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for lands north of Brenda Street, in the area east of Eleanor Avenue, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
  - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
  - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
14. Zoning Application 91-05, L. Hochglaube and E. Bogomolny, Owners, for a Further Modification to the "C" District Regulations for Property at 44 Greendale Drive; Gilkson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter.

The Committee was also in receipt of a submission from Mr. & Mrs. Reid, 7 Elsa Court, as well as a submission given at the meeting, from Mr. & Mrs. Edwards, 190 Golden Orchard Drive.

Report of the circularization was given as follows:

176 Notices Sent    15 in Favour    12 Opposed

Ms. Elizabeth Housson, Planner for the owners, and Mr. Hochglaube, co-owner of the property were in attendance and spoke to the Committee with respect to this matter. Ms. Housson asked the Committee for a tabling of their application in order to allow them an opportunity to resolve difficulties stressed with traffic. She also addressed other concerns expressed in the staff report and suggested ways that they could be solved.

Mr. Hochglaube, spoke to the Committee with respect to his plans for the centre.

Mr. Edwards spoke to the Committee and indicated that his letter of submission spoke for their concerns.

The son of one of the co-owners of the plaza at 1300 Garth Street spoke in opposition to the application.

The applicant chose not to respond to the comments made by the community and the Committee then approved the following denial recommendation:

That Zoning Application 91-05, Mr. L. Hochglaube and Mr. E. Bogomolny, owners requesting a further modification to the "C" (Urban Protected Residential, etc.) District regulations to reduce the capacity of the existing day nursery from 133 to 88 children and convert the resultant floor space, being approximately 250 m<sup>2</sup>, to medical offices, for property located at 44 Greendale Drive, as shown on the attached map marked as Appendix "D", be denied for the following reasons:

- (a) it conflicts with the intent of the Official Plan, in that approval of the application would result in non-local traffic using the residential street (Greendale Drive) to access the site, thereby detracting from the residential character of the area (e.g. increased traffic volumes, noise and potential overflow on-street parking generated by the new additional use);

- (b) it conflicts with the intent of the approved Gilkson Neighbourhood Plan which designates the site for "Civic and Institutional" use; and,
  - (c) approval of the application could encourage future applications to further reduce the size of the day nursery for additional medical office facilities, thereby changing the residential character of the neighbourhood by commercializing the property.
15. Zoning Application 89-22 and 89-23, G. Fortino, U. Spagnuolo, S. Filice, M. and O. Presta, F. Carobelli, A. and L. Scornaienchi and G. Fortino, In Trust, Owners, for Changes in Zoning From "AA" and "C" to "RT-20" and "G-1" for Properties at 1508, 1514-1530 Upper James Street: Mewburn Neighbourhood.

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1991 May 16 respecting the above noted matter.

The Committee was also in receipt of an added petition submitted to the Committee with respect to this application.

Report of the circularization was given as follows:

77 Notices Sent	1 in Favour	1 Opposed
-----------------	-------------	-----------

Mr. Aldo Berlingeri, representative of all of the owners, was in attendance, along with Mr. Bruce Rankin, Architect, and Mr. John Fortino, one of the owners of the property. Mr. Berlingeri outlined the history of their plans for the property and discussions with staff and the neighbourhood concerns of the West 5th residents. He indicated that they are in support of the staff recommendation.

Mr. and Mrs. Deptuck, 1183 and 1193 West 5th Street spoke in opposition to the application, and submitted a petition from the neighbours opposed.

Mr. Berlingeri responded by clarifying that the designation of the lands behind the Deptuck's had been commercial, not residential, and thus their proposal which calls for townhousing is a down zoning from that designation.

The Committee then approved the following approval recommendation:

That approval be given to amended Zoning Applications 89-22 and 89-23, G. Fortino, U. Spagnuolo, S. Filice, M. and O. Presta, F. Carobelli, A. and L. Scornaienchi and G. Fortino, In Trust, owners for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"); from "AA" (Agricultural) District, modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Block "2"); from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Blocks "3" and "4"); and from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District (Block "5"), to permit townhouses on Block "1" and a retail commercial shopping plaza on Blocks 2, 3, 4 and 5, for properties at 1508, 1514 and 1530 Upper James Street, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to Blocks "2", "3", "4" and "5" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of Blocks "2", "3", "4" and "5" until a site plan is approved for comprehensive development of the commercial.  
Removal of the holding restriction shall be conditional upon the approval of a site plan for a comprehensive development of Blocks "2", "3", "4" and "5" and the site plan being registered on title of the land.
- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (c) That Block "2" be rezoned from "AA" (Agricultural) District, modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- (d) That Blocks "3" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- (e) That Block "5" be rezoned from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District;
- (f) That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to Blocks "2", "3", "4" and "5", be modified to include the following variances as special requirements:
  - (i) That notwithstanding Section 13A(4), a minimum front yard of 6.0 m shall be provided and maintained for property at 1508 Upper James Street (Building "A" - Appendix "F");
  - (ii) That notwithstanding Section 13A(4), a front yard of a depth of at least 24 m shall be provided and maintained for property located at 1514 to 1530 Upper James Street (Building "B" - Appendix "F");
  - (iii) That notwithstanding Section 13A(4), a minimum northerly side yard of 3.0 shall be provided and maintained for property located at 1508 Upper James Street (Building "A" - Appendix "F");
  - (iv) That notwithstanding Section 13A(4), a minimum southerly side yard of 7.62 m shall be provided and maintained for property located at 1514 and 1530 Upper James Street (Building "B" - Appendix "F");
  - (v) That a minimum of 3.0 m wide landscaped area, excluding areas required for driveway accesses, shall be provided and maintained adjacent to the Upper James Street road allowance for Blocks "2", "3" and "4";
  - (vi) That a minimum 6.0 m wide landscape strip and a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire westerly rear lot line of Block "5", and along that portion of the northerly side lot line of Block "5", which is distant 45.0 m from the north-westerly corner of Block "5";
  - (vii) That a minimum 4.5 m wide landscape strip shall be provided and maintained along that portion of the southerly side property line of Block "1" which abuts the service driveway of adjoining land to the south within the "G-1" (Designed Shopping Centre) District;

- (viii) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire southerly and northerly side lot lines of Block "1";
- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1230, and that the subject lands on Zoning District Map W-9D be notated S-1230;
- (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
- (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
- (j) That the Mewburn (East) Neighbourhood Plan be amended by redesignating:
  - (1) Block "1"  
(rear portion) From: "Single and Double Residential"  
To: "Attached Housing"
  - (2) (front portion) From: "Commercial"  
To: "Attached Housing"
  - (3) Block "5"  
(northwesterly corner) From: "Attached Housing"  
To: "Commercial"
  - (4) (middle portion) From: "Neighbourhood Commercial"  
To: "Commercial"

and by establishing a 4.5 m (15.0 ft.) wide landscape strip along the southerly side property line between the proposed townhouse development and the service driveway for the commercial development to be established on adjoining lands to the south.

The 6.0 m (20.0 ft.) wide landscape strip separating the proposed townhouse development from the proposed commercial development fronting onto Upper James Street, (between Blocks "1" and "5") must also be relocated.

- (k) That prior to the removal of the 'H' (Holding) symbol, the site plan be registered on title.
16. Zoning Application 91-06, M. and L. Spandonidis, Owners, for a Modification to the "C" District Regulations for Property at 21 Lotridge Street; Stipeley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter.

A law clerk from the Solicitor's office representing the owners was in attendance, and indicated to the Committee that both the Solicitor and their clients were unavailable for this meeting to speak to their application, and requested that this matter be tabled until such time as they are available.

Mr. P. Mallard of the Planning Department expressed concerns at this request and advised the Committee of the history of appeals on this property.

Considerable discussion ensued on this matter and it was agreed to table this application until the 1991 July meeting of the Committee.

17. Zoning Application 91-11, 829145 Ontario Inc. (M. Lulgjura), Owner for a Modification to the "H" District Regulations for Property at 324 Queenston Road, Glenview East Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 9 respecting the above noted matter.

The Committee was also in receipt of the following submissions:

- a) Mr. & Mrs. Mattiolo, 79 Delena Avenue South,
- b) Frank Husack Limited & Arthur Weisz Real Estate Limited, Owners, 686 Queenston Road,
- c) Mrs. E. Wood, 75 Adair Avenue South

Report of the circularization was given as follows:

193 Notices Sent                  3 in Favour                  38 Opposed

Mr. L. Lulgjura, Owner was in attendance and spoke to the Committee. He indicated to the Committee that he could meet the parking requirements, and requested that his application be approved.

The Owner of property at 89 Delena Avenue South spoke in opposition to the application and indicated that their street is a dead end, and parking is at a premium now. He indicated that pool hours would take up the limited spots on their street. The Secretary of the Committee advised that the School Board representative, Mr. Kelterborn, was unable to stay for the meeting, but had asked that it be conveyed that the School Board is in support of denial of this zoning application.

The applicant then responded to the concerns of the neighbours and requested that his application be approved.

The Committee then approved the following denial recommendation:

That Zoning Application 91-11, 829145 Ontario, Inc. (M. Lulguraj), owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a billiard room on the ground floor of the existing building located at 324 Queenston Road, as shown on the attached map marked as Appendix "G" be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan and represents an over-intensification of land use, in that six parking spaces are required and no legal parking spaces can be provided. Further, approval of the application could lead to nuisances associated with on-street parking in the surrounding residential area.
- (b) It conflicts with the intent of By-law 78-184 which specifically excludes, among other uses, billiard rooms from the "H" District due to nuisance factors and spill-over effects associated with such uses (e.g. noise, parking, headlight glare, etc.) on adjoining residential areas.

- (c) It is an incompatible land use with the adjoining single-family homes to the south. Further, the subject lands are in close proximity to three schools with the closest being one block to the south.
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

18 City Initiative 91-A for a Review of the "M" (Prestige Industrial) District Uses and Regulations - East Mountain Industrial Park

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter requesting authorization to hold a public meeting.

The Committee then approved the following:

That a public meeting be held to consider the proposed amendments to the official plan and the zoning by-law for the "M" (Prestige Industrial) Districts as identified in the Executive Summary prepared by the Planning and Development Department.

**ADJOURNMENT**

There being no further business the meeting then adjourned.

Taken as read and approved,

**ALDERMAN F. LOMBARDO, Chairman  
Planning and Development Committee**

Susan K. Reeder, Secretary  
1991 May 22

# CITY OF HAMILTON

B(a)

## - RECOMMENDATION -

DATE: June 10, 1991

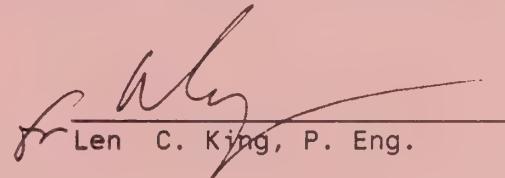
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
718 Stone Church Road East - Tag Number 83304

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 718 Stone Church Road East.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "R-4" (Small lot single family detached)

PRESENT USE: Single Family Dwelling (vacant)

PROPOSED USE: Two (2) single family dwellings

BRIEF DESCRIPTION: One storey wood frame dwelling in good condition.

It is the intention of the owner to demolish the existing single family dwelling and propose to erect two new single family dwellings. The owner has made application to Land Division # H-57-91 to sever the lot. Lot size 80.02' X 104.99'.

The owner of the property as per the demolition permit application is:

Elia Investments  
34 Quincy Court  
HAMILTON, Ontario  
L8W 2T5

Telephone: 387-6695



# CITY OF HAMILTON

B (b)

## - RECOMMENDATION -

DATE: June 7, 1991

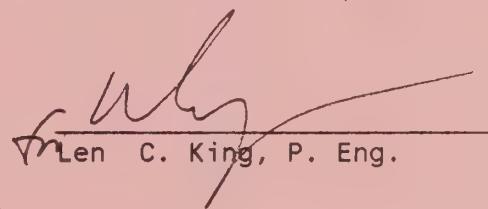
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
60 Ofield Road - Tag Number 83367

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 60 Ofield Road.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single family dwelling (vacant)

PROPOSED USE: 6 new single family dwellings

BRIEF DESCRIPTION: One storey wood frame insul-brick dwelling in a deteriorated condition.

It is the intention of the owner to demolish the existing single family dwelling and propose six (6) new single family dwellings. The owner has made application to Land Division to sever the land into six (6) residential lots. Lot size 144.79' X 165.00'.

The owner of the property as per the demolition permit application is:

929763 Ontario Limited  
53 Audubon Street North  
STONEY CREEK, Ontario L8J 1J4  
Attention: Dino Mirra

Telephone: 573-1965



# CITY OF HAMILTON

B(c)

## - RECOMMENDATION -

DATE: June 10, 1991

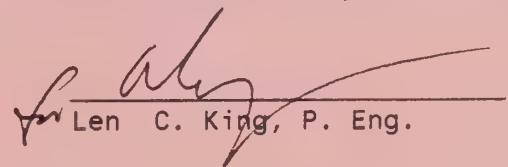
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
505 Wellington Street North - Tag Number 83209

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 505 Wellington Street North.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "D" (Urban protected residential - one and two family dwellings, townhouses, etc.)

PRESENT USE: Single Family Dwelling (vacant)

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: Two storey wood frame house in poor condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. The owner has advised this Department that he will be making an application to the Committee of Adjustment for variances required to build the proposed single family dwelling. Our building inspector has noted the building will become unsafe if left for any length of time and it is beyond repair due to fire damage. Lot size 35.05' X 75.16'.

The owner of the property as per the demolition permit application is:

Joe Leite  
22 MacAuley Street West  
HAMILTON, Ontario  
L8L 1E5

Telephone: 525-5507

91.2.4.2.1.A



# CITY OF HAMILTON

B(d)

## - RECOMMENDATION -

DATE: June 10, 1991

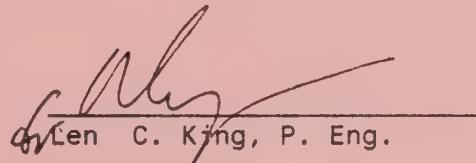
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
12-16 Douglas Street - Tag Number

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 12-16 Douglas Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "J/S-647" and "J/S-647b" (light and limited heavy industrial, etc.) modified.

PRESENT USE: Three unit attached row house (vacant).

PROPOSED USE: The Keith Neighbourhood Park Assembly

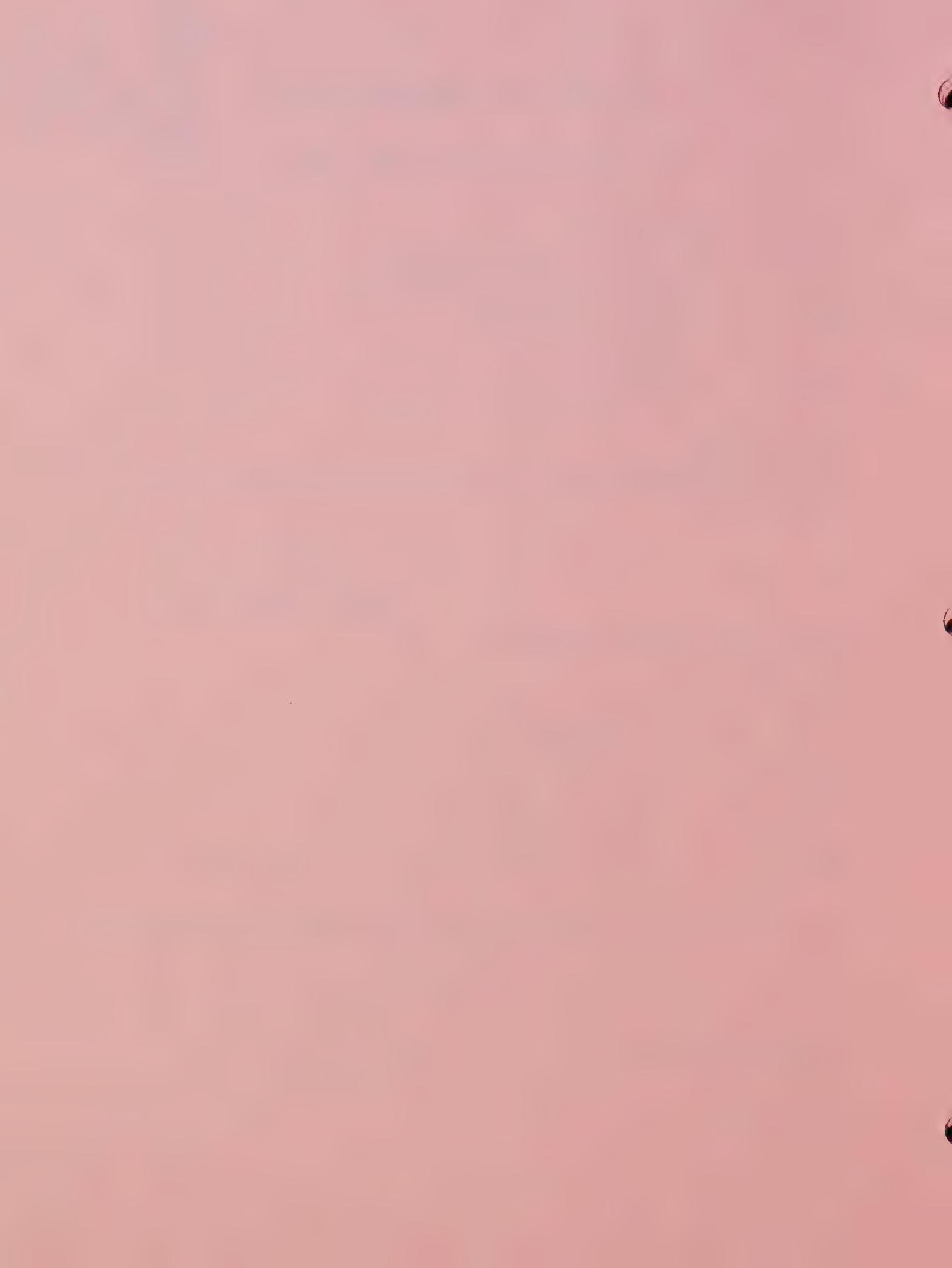
BRIEF DESCRIPTION: Two storey brick building in a neglected condition.

It is the intention of the City to demolish the existing three unit attached row house to make room for the Keith Neighbourhood Park Assembly. Lot size 54.83' X 55.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton  
Attention: Dominic Consoli

Telephone: Extension 2738



# CITY OF HAMILTON

B(e)

## - RECOMMENDATION -

DATE: June 10, 1991

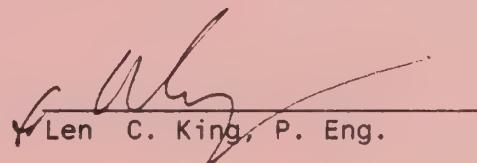
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
98 - 102 Burton Street - Tag Number

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 98-102 Burton Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "J/S-647" and "J/S-647b" (light and limited heavy industrial, etc.) modified.

PRESENT USE: Three unit attached row house (vacant)

PROPOSED USE: The Keith Neighbourhood Park Assembly

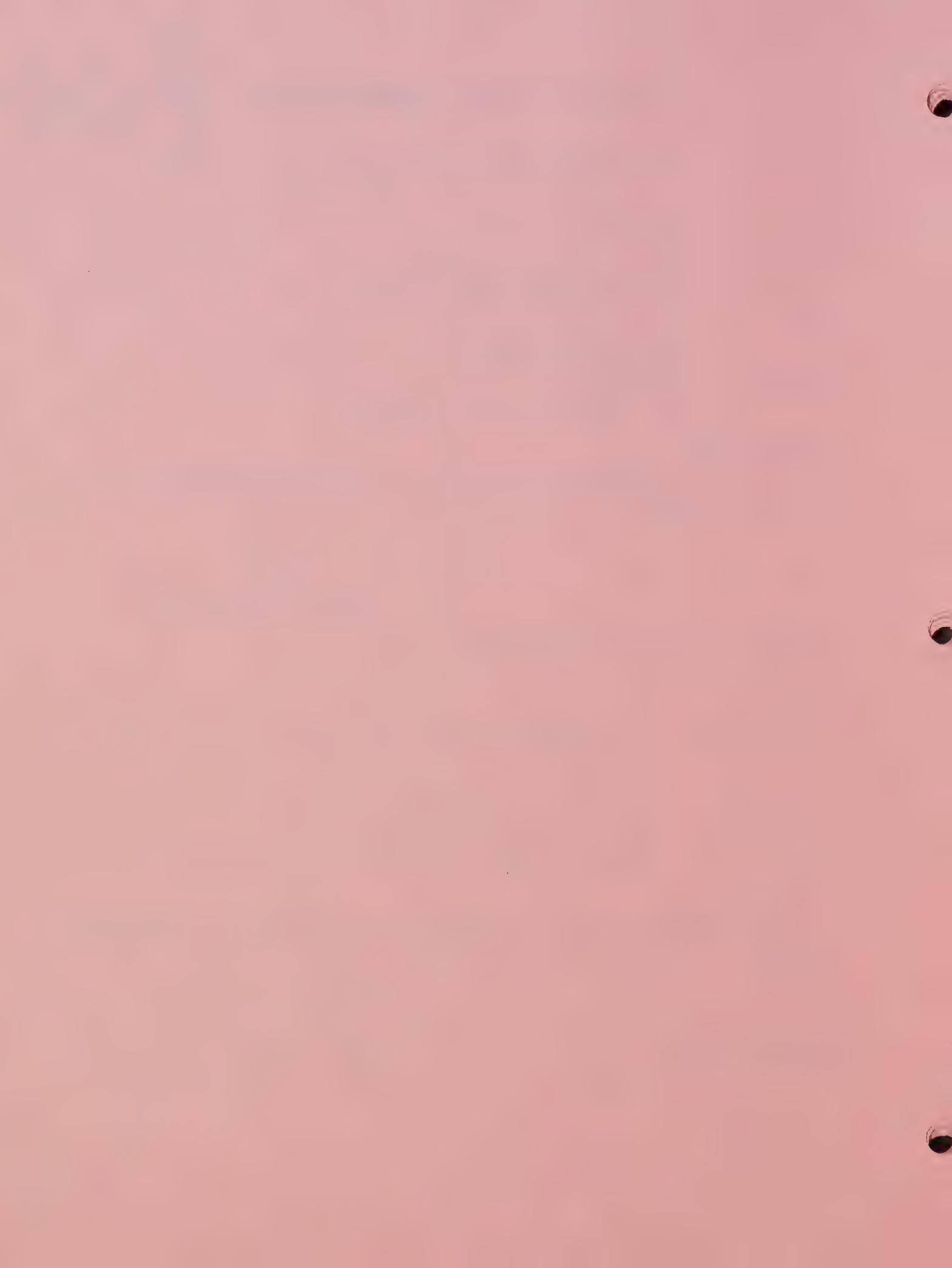
BRIEF DESCRIPTION: Two storey brick building in a neglected condition.

It is the intention of the City to demolish the existing three unit attached row house to make room for the Keith Neighbourhood Park Assembly. Lot size 53.95' X 45.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton  
Attention: Dominic Consoli

Telephone: Extension 2738



# CITY OF HAMILTON

B(f)

## - RECOMMENDATION -

DATE: June 10, 1991

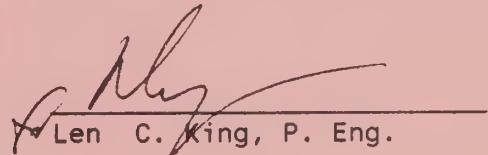
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
358 East 43rd Street - Tag Number 83254

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 358 East 43rd Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single Family Dwelling (vacant)

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey wood frame dwelling in a deteriorated condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot size 60.00' X 103.16'.

The owner of the property as per the demolition permit application is:

Margaret Rothdeutsch  
404 Eaglewood Drive  
HAMILTON, Ontario  
L8W 2S9

Telephone: 383-9247

91.2.4.2.1.A



# CITY OF HAMILTON

B(q)

## - RECOMMENDATION -

DATE: June 7, 1991

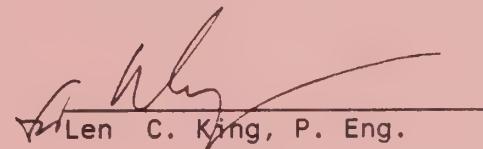
REPORT TO: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.  
Building Commissioner

SUBJECT: Demolition of:  
163 Stonechurch Road East - Tag Number 83525

### RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 163 Stonechurch Road East.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

### BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.) and "AA" (agricultural district)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey wood frame sided dwelling in good condition.

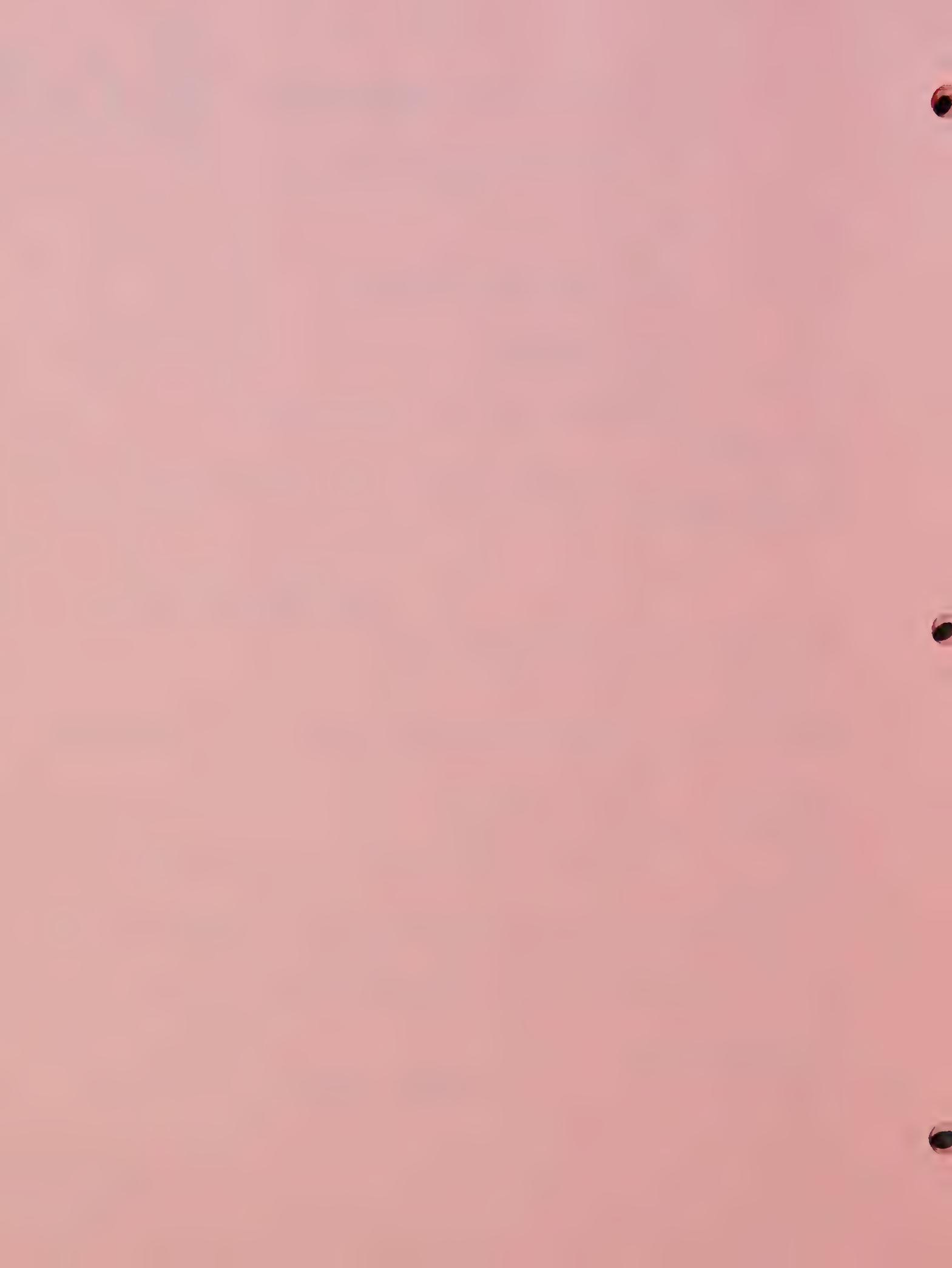
It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot size 116.90' X 495.00'.

The owner of the property as per the demolition permit application is: -

Sam Cosentino  
50 Limeridge Road West  
HAMILTON, Ontario  
L9C 2V1

Telephone: 389-0800

91.2.4.2.1.A



## F O R   A C T I O N

C (a)

REPORT TO: Mrs. S. Reeder, Secretary  
Planning & Development Committee

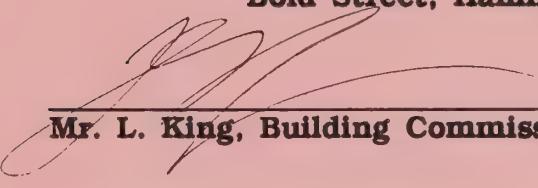
FROM: Mr. L. King, P. Eng.  
Building Commissioner  
Building Department

DATE: 1991 June 12  
DEPT FILE: HERITAGE 69

SUBJECT: City of Hamilton Heritage Programme -  
27 Bold Street, Hamilton

RECOMMENDATION:

That a Designated Property Grant in the amount of one thousand,  
eight hundred dollars (\$1,800.) be provided to Roshan Dharsee, 27  
Bold Street, Hamilton.

  
Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1989 August 29. The owner of the designated property located at 27 Bold Street has applied under the Programme to undertake restoration work to be completed by Pro Plus Painting & Decorating in the amount of three thousand and six hundred dollars (\$3,600.). Of this amount Mrs. Dharsee is providing a cash equity of \$1,800.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro Plus Painting & Decorating estimates.

The Loans Section of the Building Department recommends that a Designated Property Grant be awarded in the amount of \$1,800.

**c.c. R. Camani, Treasury Department**

## F O R   A C T I O N

C(b)

REPORT TO: Mrs. S. Reeder, Secretary  
Planning & Development Committee

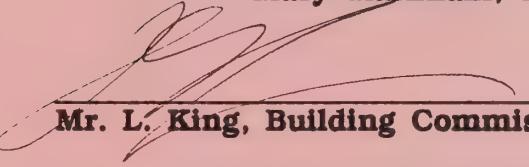
FROM: Mr. L. King, P. Eng.  
Building Commissioner  
Building Department

DATE: 1991 June 12  
DEPT FILE: HERITAGE 84

SUBJECT: City of Hamilton Heritage Programme -  
128 St. Clair Avenue, Hamilton

### RECOMMENDATION:

That a Designated Property Grant in the amount of one thousand,  
three hundred and fifty dollars (\$1,350.) be provided to Bryan and  
Mary Markham, 128 St. Clair Avenue, Hamilton.

  
Mr. L. King, Building Commissioner

### FINANCIAL IMPLICATIONS (N/A):

N/A

### BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and the St. Clair Heritage District was designated by Council 1986. The owner of the designated property located at 127 St. Clair Avenue has applied under the Programme to undertake restoration work to be completed by Thompson Construction in the amount of two thousand and seven hundred dollars (\$2,700.). Of this amount Mr. & Mrs. Markham is providing a cash equity of \$1,350.

**As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Thompson Constructions estimates.**

**The Loans Section of the Building Department recommends that a Designated Property Grant be awarded in the amount of \$1,350.**

**c.c. R. Camani, Treasury Department**

## FOR ACTION

C (c.)

REPORT TO: Mrs. S. Reeder, Secretary  
Planning & Development Committee

FROM: Mr. L. King, P. Eng.  
Building Commissioner

DATE: 1991 June 10  
DEPT FILE: HERITAGE 56

SUBJECT: City of Hamilton Heritage Programme -  
64 Forest Avenue, Hamilton

### RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000.) be approved for 64 Forest Avenue, Hamilton, Church of the Ascension. The interest rate will be six percent, amortized over 10 years; and,



Mr. L. King, Building Commissioner

### FINANCIAL IMPLICATIONS (N/A):

N/A

### BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The terms of the Programme provide the owners of heritage properties with a grant up to \$3,000., or 50% of the cost, whichever is less, for the replacement of the heritage features.

The Community Heritage Programme, when first designated, limited the loans to a maximum of \$20,000., but it was noted that in special cases, based on extraordinary Heritage merit, this ceiling would be flexible. The Building Department and L.A.C.A.C. both agree that the Church of the Ascension falls into this category.

The property receiving the funds under the Programme must be designated by Council as a heritage property, and this was done by Council 1990 January 30. The owner of the property has applied under the terms of the above Programmes to undertake restoration work outlined by Isbister Restoration for over 1 million dollars.

As per the terms of the programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Isbister Restoration specifications.

The Building Department-Loans Division, therefore recommends that a Community Trust fund loan in the amount of \$50,000. at 6 percent interest be approved. The monthly payments will be \$555.10 amortized over 10 years

**c.c. R. Camani, Treasury Department**

CITY OF HAMILTON

- RECOMMENDATION -

D.

**DATE:** 1991 June 11

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. D. W. Vyce  
Director of Property

**SUBJECT:**

- Expropriation by the City of  
19, 23 and 27 Gerrard Street and  
393 Sherman Avenue North
- Purchase by the City of 31 Gerrard Avenue  
The Estate of Norman R. Plummer (Cinoke Investments  
Ltd.) for the Alpha West Residential Enclave  
Clearance Program

**RECOMMENDATION:**

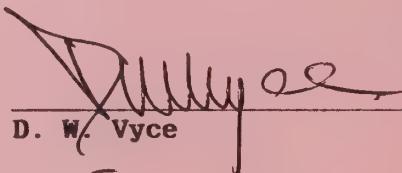
- a) That the City accept an "Agreement by Owner to Accept Compensation" for the properties of The Estate of Norman R. Plummer (Cinoke Investments Ltd.), executed on June 5, 1991 and scheduled for closing on November 1, 1991. The subject properties being Municipal Number 23 and 27 Gerrard Street, having a total frontage along the northern limit of Gerrard Street of 38 feet( 11.58 metres), more or less, shown as Parts 1 and 2 on Expropriation Plan No. 79836, together with all structures erected thereon.
- b) That the City accept an "Agreement by Owner to Accept Compensation" for the properties of The Estate of Norman R. Plummer (Cinoke Investments Ltd.), executed on June 12, 1991 and scheduled for closing on November 1 1991. The subject properties being Municipal Number 19 Gerrard Street and 393 Sherman Avenue North, having a frontage along the northerly limit of Gerrard Street of 20 feet (6.096 metres), more or less, and a frontage along the westerly limit of Sherman Avenue North of 26.7 feet (8.159 metres), more or less, and known as Parts 2 and 1 respectfully on Expropriation Plan No. 70105, together with all structures erected thereon.
- c) That an Option to Purchase the property at 31 Gerrard Street, duly executed by The Estate of Norman R. Plummer (Cinoke Investments Ltd.) on June 5, 1991 and scheduled for closing on August 19, 1991, be approved and completed. The subject property has a frontage along the northerly limit of Gerrard Street of 29.5 feet (8.99 metres), more or less, by a depth of 80.69 feet (24.59 metres), more or less, being Municipal Number 31 Gerrard Street.

11 June 1991

Planning and Development Committee

Page 2

- d) That the total compensation of \$247,400.00 and the purchase price of \$25,000.00, along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structures at 19, 23 and 27 Gerrard Street and 393 Sherman Avenue North take place upon closing.



D. W. Vyce

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

See above recommendation.

***BACKGROUND:***

The subject properties are all located within the Alpha West Residential Enclave. The expropriation and acquisition of these properties are in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north/east part of the City.

On June 27, 1989, City Council authorized the City's application for approval to expropriate the remaining properties in the Alpha West Enclave. Pursuant to this, the expropriation of the properties at 19 Gerrard Street and 393 Sherman Avenue North was registered on title December 12, 1991 as Instrument No. 70105 with the expropriation of the properties at 23 and 27 Gerrard Street, registered April 9, 1991 as Instrument No. 79836.

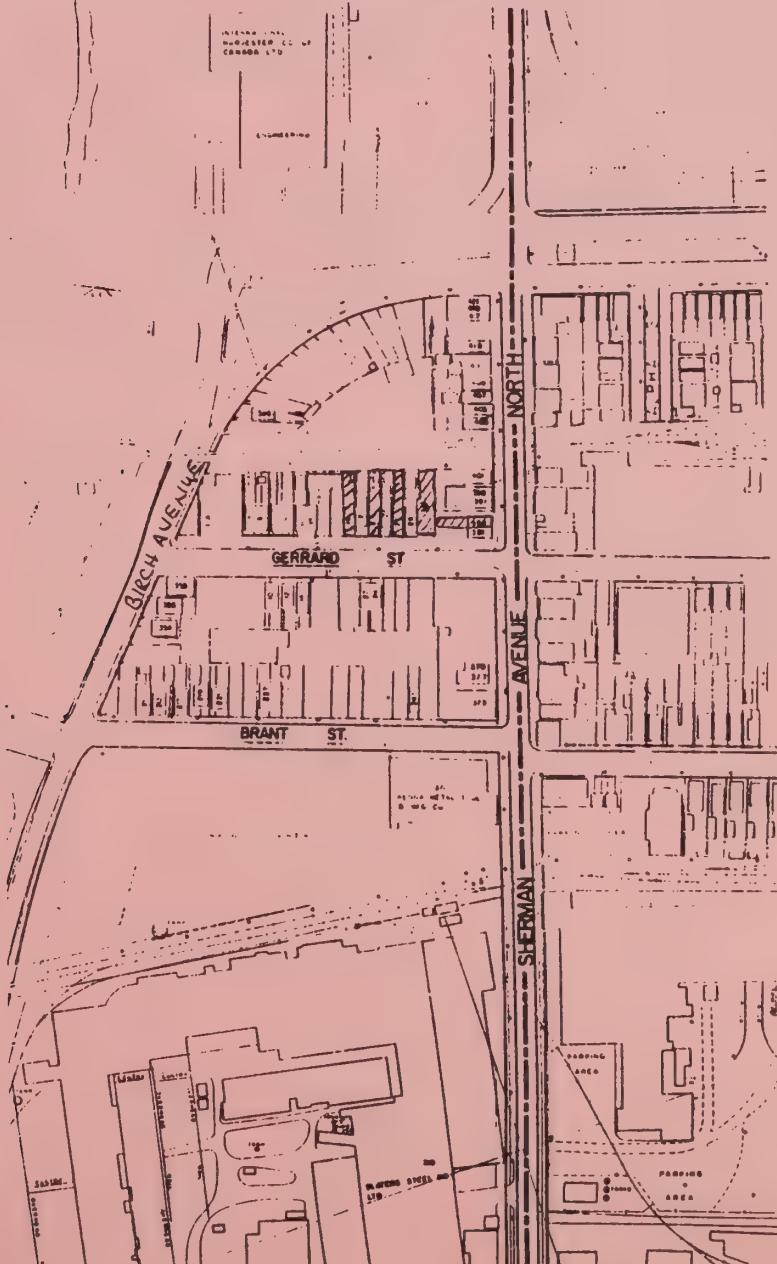
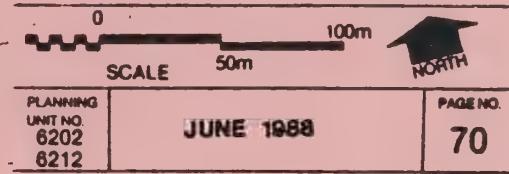
The property at 31 Gerrard Street has not proceeded to expropriation as a successful acquisition has been negotiated.

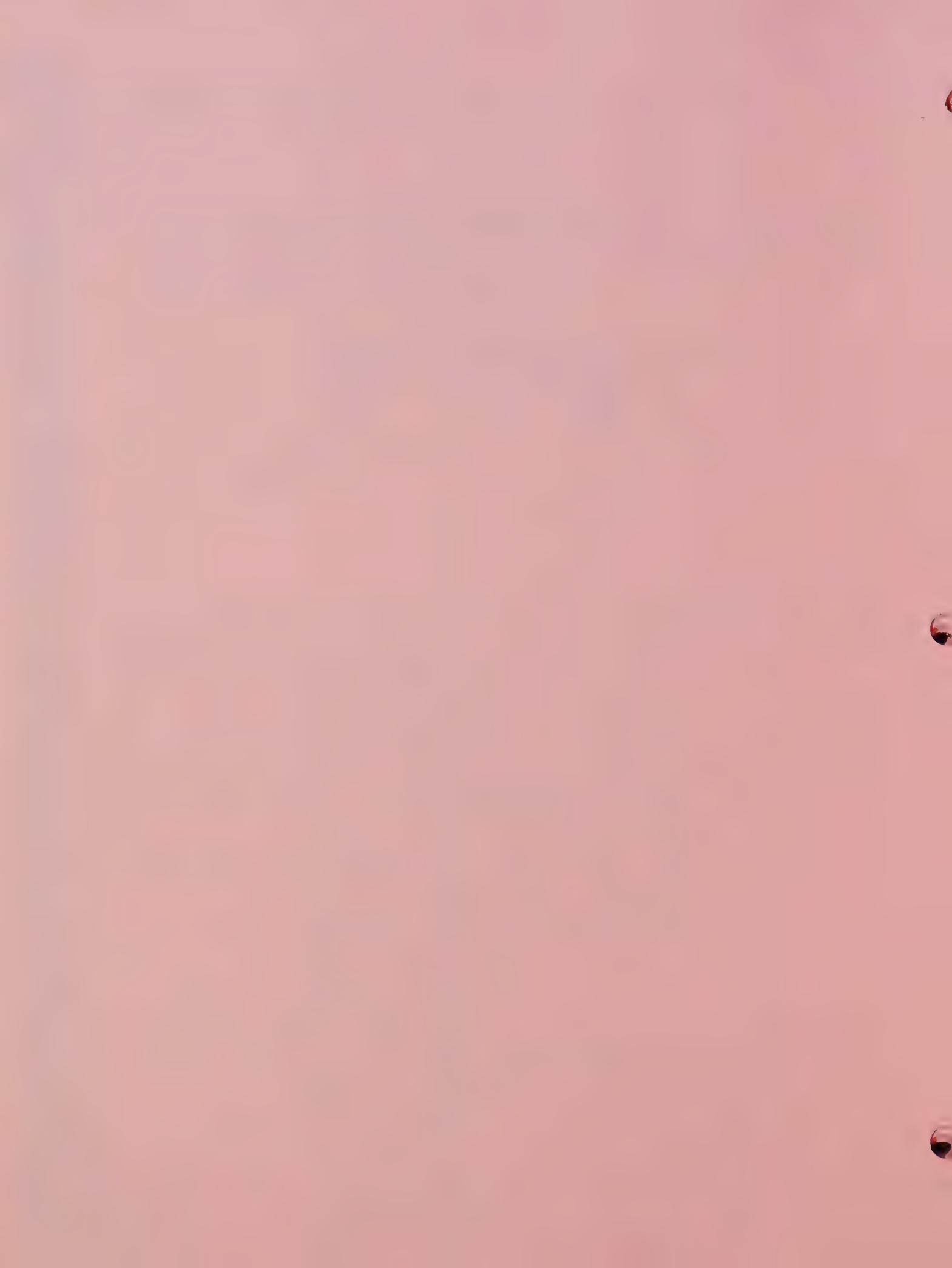
Attach.

c.c. - Mrs. P. Noé Johnson, City Solicitor  
Attention: Ms. L. Lawrence  
- Mr. E. C. Matthews, Treasurer  
- Ms. L. MacNeil, Property Clerk, Surveys  
- Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division  
- Mr. L. King, Building Commissioner

(4505)

CITY OF HAMILTON  
INDUSTRIAL SECTOR  
'B' AND KEITH  
ZONING





E.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 June 10  
S702-44 P. Strong

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** L. D. Turvey, P.Eng.  
Commissioner of Transportation/  
Environmental Services

**SUBJECT:**

Cash Payment in Lieu of 5% Parkland Dedication For:  
"Bar-Brock Estates - Phase 3", Hamilton

**RECOMMENDATION:**

That the City of Hamilton accept the sum of **\$40,000.00** for Bar-Brock Estates, Phase 3 as cash payment in lieu of 5% dedication in connection with this subdivision; this being the cash requirement under Section 50 of the Planning Act. This proposed subdivision is located in the Eleanor Neighbourhood bounded by Rymal Road East, Stone Church Road, Upper Sherman Avenue and Upper Gage Avenue.

*Ted Gru*  
for L.D. Turvey, P. Eng.  
Commissioner of Transportation/  
Environmental Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

Continued ...

- page 2 -  
June 10, 1991

**Cash Payment in Lieu of 5% Parkland Dedication For:  
"Bar-Brock Estates - Phase 3", Hamilton**

Continued ...

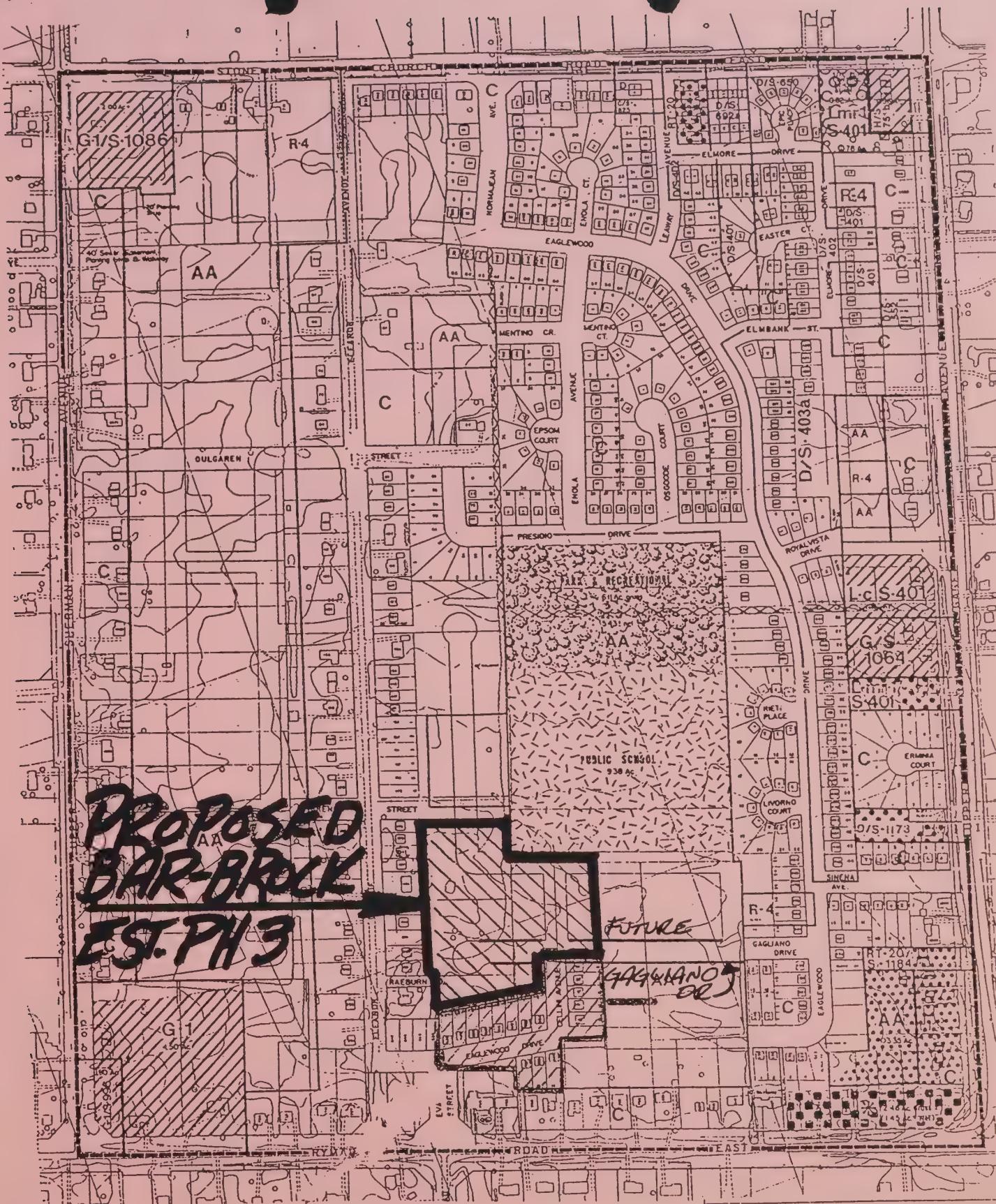
***BACKGROUND:***

The Owner of the lands for the above referenced subdivision will be executing subdivision agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for this subdivision for your information.

In accordance with normal City procedure, the City and Regional Staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the subdivision agreement has been calculated at \$40,000.00 for Bar-Brock Estates, Phase 3.

PS:tlj

cc: M. Carson, C.A.O.  
cc: R. Whynott, Regional Chairman



# KEY PLAN-BAR-BROCK ESTATES-PHASE 3.

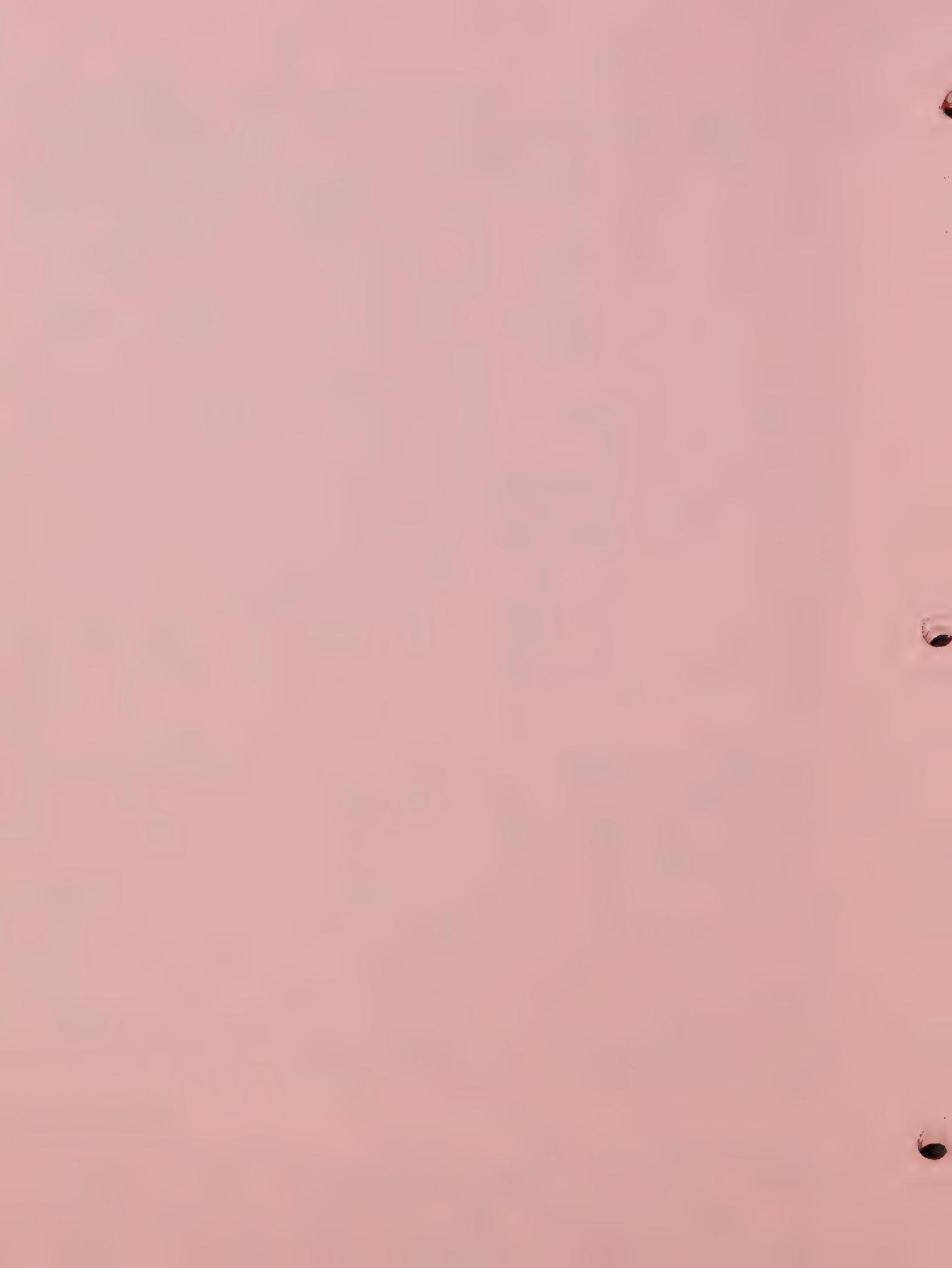
CITY OF HAMILTON  
PLANNING DEPARTMENT

ELEANOR

**APPROVED PLAN**



NO FATH



2.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** June 11, 1991  
P5-4-2-15

**REPORT TO:** Ms. S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

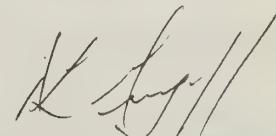
Ontario Rental Housing Protection Act - Application to convert 58 residential apartments to residential condominiums - CD-90-001 for 222 Concession Street, Centremount Neighbourhood.

**RECOMMENDATION:**

That the conversion of 58 rental units to condominium at 222 Concession Street be denied.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A. L. Georgieff, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

An application under the Ontario Rental Housing Protection Act respecting 222 Concession Street was submitted to the City in November, 1990. The proposal is to convert 58 apartment rental units to apartment condominiums. The subject property is shown on the attached key map.

The existing uses on the site include:

- a six storey apartment building with parking.
- 17 one bedroom apartment units  
32 two bedroom apartment units  
9 three bedroom apartment units  
58 total apartment units
- rents for one bedroom apartments ranged from \$444 to \$500 per month; two bedroom apartments rent for \$522 to \$646 per month; and three bedroom apartments range in rent from \$755 to \$1,089 per month.

The owners are proposing to convert all 58 apartment units to condominiums. They have also indicated, in a letter that they would be willing to:

- allow tenants security of tenure for as long as they wish to remain in the building subject to five year leases, renewable after each term; and
- construct 30 to 40 replacement units (approximately half) in another building.

The owners have indicated they could only replace all 58 units by evicting existing tenants and accommodating them in the replacement units. They acknowledge that this would cause the tenants disruption and is not their preferred course of action.

### ***APPLICABILITY OF THE ONTARIO RENTAL HOUSING PROTECTION ACT***

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental units including renovations, conversions, demolitions and severances. The proposed conversion of rental units to condominiums at 222 Concession Street is subject to the Act since all conversions to condominium are subject to the Act, regardless of the number of residential units.

### ***EVALUATION CRITERIA***

In deciding on this proposal Council must consider the criteria which accompany the Rental Housing Protection Act (Section 7 of Ontario Regulation 586/89). They are as follows:

"7.-(1) *The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:*

1. *Council finds that;*

- i. *a rental property for which an application is made for demolition is structurally unsound, or*
  - ii. *a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.*
2. *The applicant agrees,*
    - i. *to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and*
    - ii. *to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.*
  3. *In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality."*

In addition, Council should note that the Region of Hamilton-Wentworth Official Plan contains the following policies respecting condominium conversions:

*"8.14 To consider the conversion of rental housing in projects with six or more units to condominium or equity co-operative tenure as premature and not in the public interest unless the rental vacancy rate in the Area Municipality in which the conversion is proposed exceeds 2%. Further, no conversion will be allowed which will be lower the vacancy rate below 2%."*

This application will be evaluated against criteria #2 (i and ii) and criteria #3 of the Regulations and Policy 8.14 of the Regional Official Plan will be applied.

## ***ANALYSIS***

### **1. Provision of Replacement Units and Security of Tenure for the Tenants**

The subject apartment building contains 58 units, the most that have ever been considered for conversion in the City under one application. It is important to consider the full replacement of all 58 units as stipulated in the Regulation, since their removal would have a significant impact on the supply of rental housing (see APPENDIX "A").

The other component to this criterion refers to the accommodation of the existing tenants. It is this Department's understanding (based on information provided by the applicants) that the majority of the tenants are elderly. They are concerned about having to leave their apartments. Given the large number of units proposed to be converted and the many tenants housed in this building, it is important that all tenants are allowed security of tenure.

## 2. Impact on the Supply of Rental Housing

Under the third criterion, City Council may approve a proposal which it considers does not adversely affect the supply of rental housing. In this case, the loss of 58 rental units or half of these units is significant. For example, to date, 102 rental units have been considered under the Rental Housing Protection Act in the City of Hamilton since the Act's inception in 1986. This one application alone represents over half the total number of units already considered.

The most recent vacancy rate (April 1991) for Hamilton Mountain is only 0.7%, with only 62 vacant units of 8,315 total units surveyed by Canada Mortgage and Housing Corporation. This compares with an overall vacancy rate of 1.6% for the entire City of Hamilton (APPENDIX "B"). Recently, vacancy rates have increased in many municipalities in Southern Ontario (APPENDIX "C"). However, Hamilton's still remains low and Hamilton Mountain's vacancy rate is still below 1%. A healthy vacancy rate is considered to be between 2% and 3% within a municipality.

The most recent average rents calculated by CMHC for Hamilton Mountain (October, 1990) are listed in APPENDIX "D". The apartment rents on the subject property are slightly higher than the CMHC averages. For example, the average rent for a one bedroom apartment on Hamilton Mountain was \$410. On the subject property, one bedroom apartments rented between \$444 and \$500 per month. The rents are considered "affordable" under the Provincial Land Use Planning for Housing Policy Statement which indicates that anything below \$1,240 per month is considered affordable for the Hamilton area.

## 4. Regional Housing Policy

As stated previously, Policy 8.14 of the Regional Official Plan also applies to this application. Since the City's vacancy rate falls below 2%, Region of Hamilton-Wentworth staff have recommended denial of this application as it would contravene the policy. Furthermore, comments from the Ministry of Housing state that:

*"consideration of this application under the procedures and criteria of this Act does not remove the property from the requirement to comply with pertinent policies that may be contained in the Official Plan of either the City of Hamilton or the Region of Hamilton-Wentworth."*

*Therefore, in addition to the Provincial criteria which must be considered, Policy 8.14 is significant, as well.*

## COMMENTS

The owners have proposed two scenarios:

1. To replace approximately half of the units while permitting any tenants to remain in their existing units on five year leases with five year plans for renewal. This is the applicants' preferred option; or
2. To replace all rental units and relocate the tenants to the new units.

Option 1 would be in conflict with the second criteria of the Provincial Regulation and would not meet the intent of Policy 8.14 of the Regional Official Plan.

Option 2 would contravene Policy 8.14 of the Regional Official Plan and disrupt the elderly tenants.

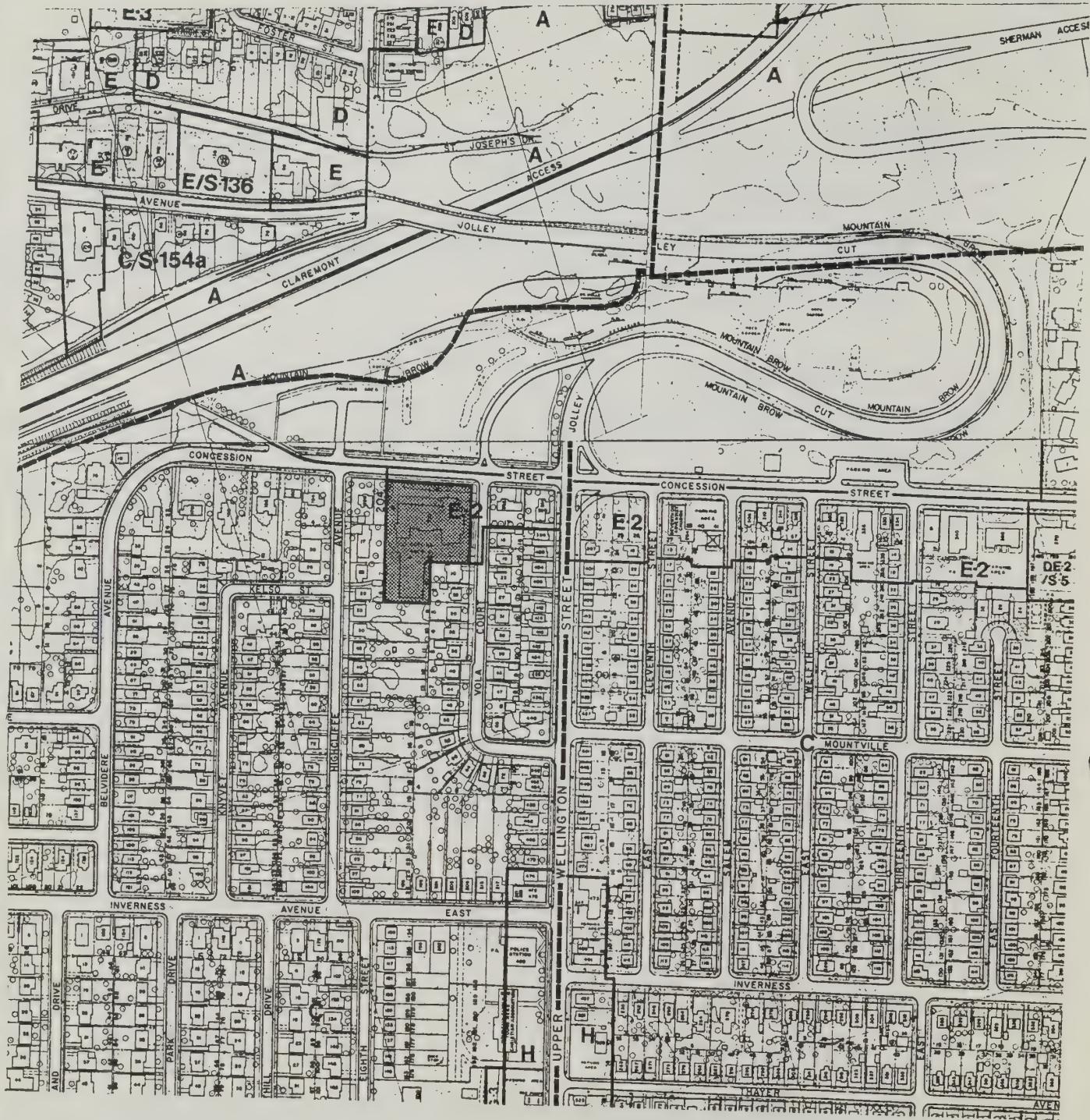
The owners have verbally proposed one potential site for the replacement units (Upper James Street near Limeridge Mall). This area is a busy commercial area, very different from the present location of 222 Concession Street. The building's unique, geographic location on the Mountain Brow across from open space and parkland would be difficult to replicate elsewhere on the Mountain. In addition, the access to services of the Lower City as well as services on the Mountain by public transit, is exceptional from this location.

The Tenants Association of the building has indicated through survey results that the tenants are not interested in purchasing the proposed condominiums.

## CONCLUSIONS

It is concluded that this proposal be denied since:

- o the Regional Official Plan does not allow condominium conversions to take place if the vacancy rate is below 2%. Regional staff recommend that the proposal be denied;
- o the proposed conversion of 58 rental units and replacement with half as many units would eliminate a significant number of affordable apartments from the existing supply of rental housing;
- o the loss of additional rental units would impact the already low vacancy rate on Hamilton Mountain;
- o construction of replacement units and the relocation of elderly tenants to a new building could potentially be upsetting to the tenants; and,
- o Council is required by the Act to deny proposals which it considers would adversely affect the supply of affordable rental housing.



NOTE: Extract from Centremount Neighbourhood Zoning Map.

## City of Hamilton

### Key Map

Rental Housing Protection Act  
CD-90-001 222 Concession Street

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend



Locaton of Subject Lands

North	Scale NOT TO SCALE	Reference File No. CD-90-001
	Date MAY, 1991	Drawn By T.A.

**APPENDIX "A"**  
**CENTREMOUNT NEIGHBOURHOOD**

Number of Apartment Units = 317

1. Impact of removing all 58 units from the Neighbourhood:

$$375 - 58 = 317$$

This results in a loss of 15.5% of apartment units.

2. Impact of removing 35 units from the Neighbourhood:

$$375 - 35 = 340$$

This results in a loss of 9.3% of apartment units.

**CENTREMOUNT COMMUNITY**

(area bounded by the Mountain Brow, Upper Gage,  
Avenue, Fennell Avenue and Upper James Street)

1. Impact of removing all 58 units from the community:

$$4,285 - 58 = 4,227$$

This results in a loss of 1.4% of apartment units.

2. Impact of removing 35 units from the community:

$$4,285 - 35 = 4,250$$

This results in a loss of 0.82% of apartment units.

Note: The source of this information is 1988 assessment data.

## APPENDIX "B"

### Vacancy Rates - Privately Initiated Buildings Hamilton Mountain and the City of Hamilton

		Hamilton Mountain %	City of Hamilton %
October	1987	0.0	0.5
April	1988	0.2	0.4
October	1988	0.2	0.7
April	1989	0.1	0.5
October	1989	0.3	0.7
April	1990	0.2	1.0
October	1990	0.2	1.4
April	1991	0.7	1.6

---

The overall vacancy rate is calculated from a survey of apartments with more than three units and rental row/townhouses. These vacancy rates are tabulated by the Canada Mortgage and Housing Corporation (CMHC). The Region of Hamilton-Wentworth recognizes the CMHC rates as the official rates to be used when applying Section 8.14 and 8.15 of the Regional Official Plan. A vacant unit is a dwelling unit that is available for immediate rental and physically unoccupied at the time of enumeration.

Source: CMHC (1987, 1988, 1989, 1990, 1991)

## APPENDIX "C"

### **Vacancy Rates in Apartments of Three Units and Over Privately Initiated - Ontario**

Census Metropolitan Area (CMA)	April 1991
Kitchener	4.7
London	4.1
St. Catharines	2.9
Toronto	1.6
Windsor	3.9

Source: CMHC (1991)

## APPENDIX "D"

### Average Monthly Rents for Apartments (\$) October, 1990

	1 Bedroom	2 Bedroom	3 Bedroom
Hamilton Mountain	410	482	641
Central Hamilton	425	525	652
City of Hamilton	410	495	618

Source: CMHC (1990)

222 Concession St., apt 3-3  
Hamilton, Ont. L8A 1B1  
June 9/91

The Corp. of the City of Hamilton,  
City Clerk,  
City Hall, 71 Main St. W.  
Hamilton, Ont. L8N 3T4

2a.

Dear Sir.-

I will not be able to attend the June 19th public meeting to consider the application of Albert Faccenda & Lloyd Pipani for approval to convert to a condominium, the property at 222 Concession St, in the City of Hamilton, due to health reasons.

I would appreciate receiving notice of Council's decision in this matter.

Thanking you, I am,

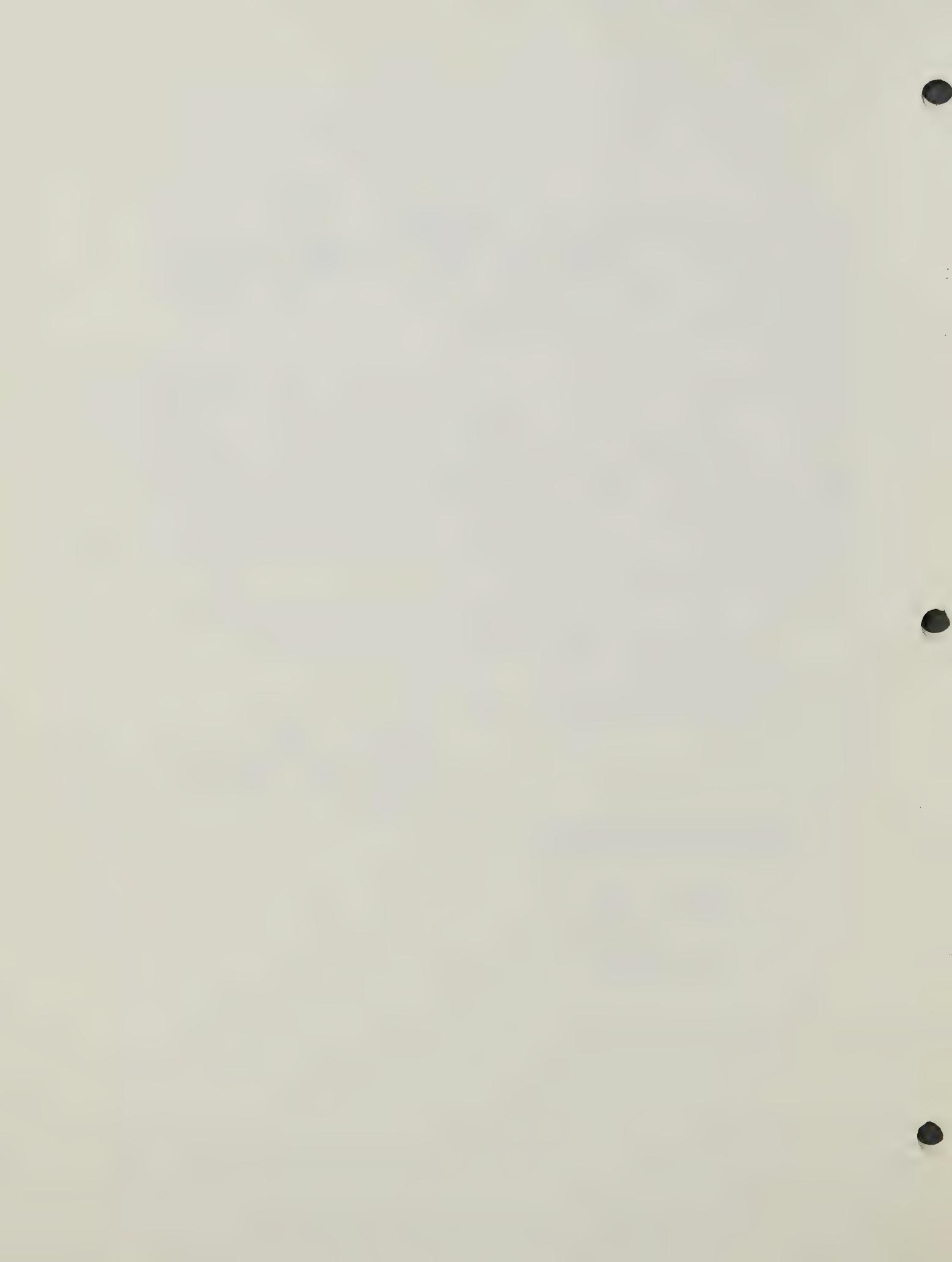
Yours truly,  
Hazel D. Hunt.

RECEIVED

JUN 12 1991

---

CITY CLERKS



RECEIVED

JUN 11 1991

CITY CLERKS

222 Concession St. Apt. 406  
Hamilton, Ontario  
L9A 1B1  
June 8, 1991

City Clerk  
The Corporation of the City of Hamilton  
City Hall  
71 Main St. West  
Hamilton, Ontario  
L8N 3T4

2 b.

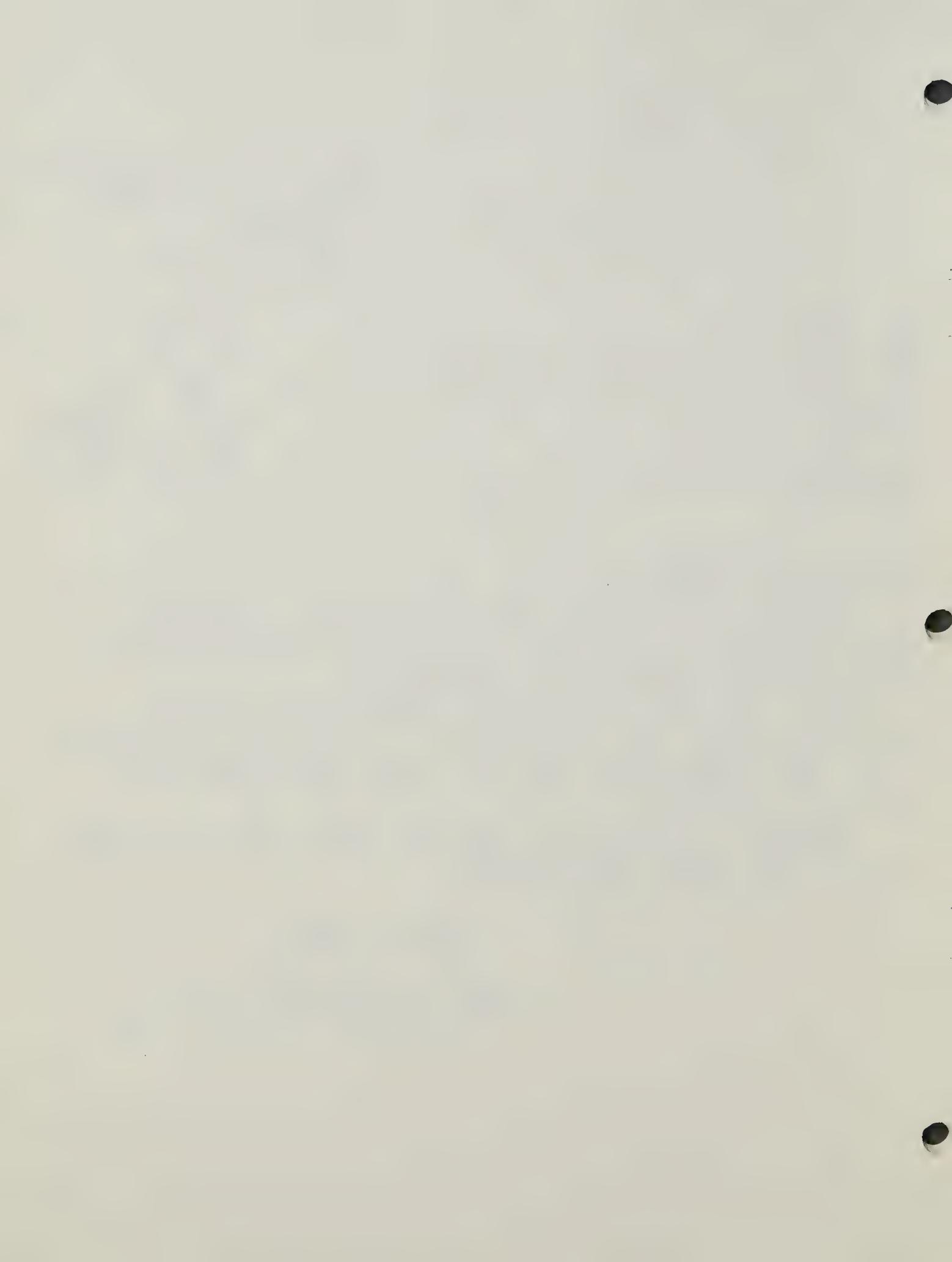
Dear Sir/Madam:

This is to notify you that I am opposed to the proposed application to convert the property of 222 Concession Street to a condominium.

Since I am unable to attend the meeting on 19th June 1991 at 9:30 a.m. I hereby appoint Mr. Leo Monte of Apt. 105, 222 Concession St. to represent me.

Please advise me of the Council's decision regarding this application.

Yours truly,  
(Miss) Linda Lowrey



3.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 June 10

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

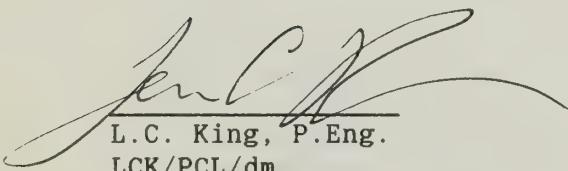
**FROM:** Mr. L. King  
Building Commissioner

**SUBJECT:** Construction without a building permit  
Increase in Building Permit Fee

**RECOMMENDATION:**

That the City Solicitor be directed to prepare an amendment to the Building Code By-law to increase the building permit fee for construction started prior to the issuance of a building permit as listed below:

<u>Work Completed Prior to Permit Issuance</u>	<u>Increase in Permit Fee</u>
Footings and Foundations	10%
Structural framing	25%
Mechanical/Electrical	50%
Architectural	75%
Final	100%
Demolition or partial demolition	100%



L.C. King, P.Eng.  
LCK/PCL/dm

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Additional permit fees will be collected where work commences prior to issuance of a building permit, hence increasing Department revenues.

**BACKGROUND:**

At the Planning and Development Committee at its meeting held Wednesday, 1989 November 15, a report was submitted from the Building Department regarding construction which occurred prior to issuance of building permits. Following discussion of the report and the Building Department's comments, the Committee approved the following:-

"That the Building Commissioner report to the Planning and Development Committee with specific recommendations on increasing fee fines for non-compliance with respect to building permits."

1991 June 10

At that meeting, the Building Department reported that the City of Toronto has recently passed a by-law to double building permit fees for those applicants where construction started prior to the issuance of a building permit.

The method of doubling building permit fees has been implemented in Toronto successfully for discouraging those people from beginning construction prior to issuance of a building permit. The Toronto By-law is attached under Schedule I. Also, find attached a discussion paper from the Ministry of Housing from a recent Ministry of Housing Newsletter which discusses the legal ramifications of imposing additional permit fees based on construction prior to issuance of a building permit. The basis of the legal discussion and resolution is that the municipality may have authority for asking for additional fees as long as there is an additional cost to the municipality associated with the work which commences prior to issuance of a building permit.

It is this Department recommendation that building permit fees be increased on a graduated scale based on how much work is done and what inspections are necessary. This new schedule will offset the additional costs involved with dealing with a project which is being constructed without a building permit.

c.c. Mr. E. C. Matthews, Treasurer  
Ms. P. Noé Johnson, City Solicitor

# Legal Q's and A's

1. Q. A contractor or an individual completes a building permit application on behalf of the property owner and the requirements of Section 6 of the Building Code Act appear to be met.

- i) Can the chief building official issue the permit to the contractor or the individual representing the owner?
- ii) Should the chief building official ask for a notarized letter from the registered owner stating the contractor or representative can act on his behalf concerning processing the building permit application form?

A. The building permit should be issued in the name of the property owner and not in the name of the contractor or owner's representative. The chief building official may provide the permit to the contractor or owner's representative, in absence of any contrary provision in the building by-law or any contrary information in the application or from the property owner.

The second part of the question involves an examination of the municipality's building by-law. Does the building by-law require the production of a notarized letter from the property owner authorizing the contractor or representative to apply for a building permit. If the building by-law requires a notarized letter, the chief official should request it.

Most building by-laws that we have seen do not require production of the written authorization of the property owner. If a building by-law requires the written authorization of the property owner, we are of the opinion that production of a letter signed by the owner is sufficient compliance with the requirement of the by-law, and that a request for a notarized letter would be excessive, in the absence of unusual circumstances.

If the building by-law did not contain any requirement for the production of any written authorization of the property owner, the chief official may nevertheless request the same. In our opinion, the Building Code does not prohibit such a request. If the request is fulfilled, there would be no problem. If the request is not fulfilled, we are of the opinion that the chief official could not, for that reason, refuse to issue the building permit for which the application was made. If the request is not fulfilled, the chief official should (a) contact the property owner and determine that the application for the permit was in fact authorized by the property owner, (b) place a note in his file of this independent verification and (c) take steps to have the deficiency in the by-law remedied for future cases.

2. Q. Does a Municipality have the authority to charge double permit fees in cases where a person has commenced construction prior to obtaining a building permit?

A. Section 5(2)(c) of the Building Code Act (the "Act") contains the authority to charge fees in respect of the application for and issuance of a permit under the Act. This section of the Act has never been judicially considered. However, there is considerable jurisprudence on the matter of fees charged by municipalities pursuant to by-laws under the Municipal Act in respect to the issuance of business licenses, and principles resulting therefore would appear to be generally applicable to the issue of fees charged pursuant to by-laws under the Act in respect of building permits.

It is generally accepted that where no limitation on the amount to be charged as a license fee is stated in the authorization statute, it is up to the municipal council to

determine the amount so long as the fee is honestly a "license fee" and is not for the purpose of prohibiting the activity (*Re: Foster v. Township of Raleigh*(1910) 22 O.L.R. 26, affirmed 22 O.L.R. 342 (ONT.C.A.). This is codified in Section 110 (4) of the Municipal Act.

The proposition that the right to "regulate" does not equal the right to "prohibit" under the guise of excessive license fees, has been affirmed in many cases (i.e., *Re: McCormick v. Toronto Township*(1948) 3 D.L.R. 70 (O.H.C.), although the application of this doctrine to any particular fact situation varies.

Concern has been expressed that license fees be related to the subject matter for which they are charged and not be converted into a general revenue producing measure, which is in reality a form of tax. This issue has been cleared up insofar as license fees are concerned by Section 110 (5) of the Municipal Act. As building permit fees are authorized by a statute other than the Municipal Act, the possibility that excessive fees could be classified, as in effect, a general revenue producing measure, and therefore ruled invalid, would still be a concern.

Finally, it would be improper to use the matter of building permit fees to penalize the offender. The Act in Section 24 sets out certain offences and also certain defined penalties, which may only be imposed "on conviction" for these offences. Imposing a higher permit fee strictly as a penalty on persons who commence construction without a permit is in effect punishing them before they have been convicted of any offence under the Act. This is not only contrary to the scheme of the Act but of all Provincial offences.

In the result, as Section (5) (2) (c) does not set an upper limit on the amount that may be charged in respect of a building permit fee a municipality may, in its discretion, charge whatever amount it wants, so long as the amount charged may not be characterized as being in essence for the purpose of raising general revenues for the municipality, so excessively high as to prohibit the undertaking of the construction project or for the purpose of penalizing persons not complying with the Act.

However the additional fee could be charged if there were some reasonable relationship between the additional fee charged and the additional work required to issue a building permit when construction has already commenced.

Forgiveness of interest is conditional upon punctual monthly repayments.

17

### ISSUANCE OF BUILDING PERMITS "AFTER THE FACT"

The Committee recommends the adoption of the report (September 19, 1988) from the Commissioner of Buildings and Inspections:

Origin: City Council on August 8, 12 and 18, 1988 (c31nhc88038:94)

Comments: At the meetings on August 8, 12 and 18, 1988, City Council gave consideration to a motion on the Order Paper recommending that a supplementary fee of \$1,000.00 be attached to all "after the fact" building permits. Council referred the motion to the Commissioner of Buildings and Inspections and the City Solicitor with the request that they report thereon to the Neighbourhoods Committee meeting on September 22, 1988.

The City Solicitor has advised me that, where the fees charged are grossly in excess of an amount that could properly be levied for the work involved and their imposition is for the purpose of raising general revenue or penalizing the offender, the by-law may be quashed. He has further advised me that if the additional fees can be justified by a reasonable relation to the additional work required to be done prior to the issuance of the building permit, an argument could be made that there is statutory support for the additional fees.

Two years ago, I arranged for a telephone survey of penalty fees for work started without permit in selected cities in Canada and the U.S.A. and the results are shown below:

#### Canada

Burnaby	Permit fee is doubled based on the value of the work for the entire project. There is no limit to the fee.
East York	There's a minimum fee of \$25. If project is started prior to application of building permit, fee is increased by 20%.  If project is started prior to issuance of building permit, fee is increased by 10%. Minimum fee of \$25 also applies.  Court action could be withdrawn in the event of compliance.
Edmonton	In the event of work being started on any building, including excavations, before a permit for such work has been obtained double the above fee shall be charged.  Penalty relates only to that portion of the work started.
Regina	There's a minimum investigation fee of \$50 and a 10% surcharge on the permit fee. This surcharge relates to the entire project based on construction value. There's no limit to the fee.
Scarborough	For work started prior to permit application, fee is increased by 20% or \$40 minimum. For work started between application and permit issued, fee is increased by 10% or \$40 whichever is greater. Relates to work started. No limit.
Vancouver	Permit fee is doubled up to \$2,000 maximum. The penalty relates to the whole project. This doesn't prevent them from taking court action.

Vaughan      Compliance fee shall be equal to 25% of the fee that would be payable or the sum of \$100.00 whichever is the greater. Penalty relates to the entire project. Builder is required to open a letter of credit and the municipality can withdraw funds to cover some expenses incurred as a result of complaints.

Winnipeg      Where a permit has not been obtained prior to the commencement of the actual work, through neglect, or for some other reason, the fees shall be double the normal rate for the work done up to the date the permit is issued.

Penalty fee relates to work started and there is no limit. Option to go to court or payment of penalty fee.

York      If project is started prior to application of building permit, fee is increased by 20%. Minimum fee is \$25.

If project is started prior to issuance of permit, fee is increased by 10%. Minimum fee is \$25. Penalty relates to entire project and there's no maximum limit.

*sun - 11 st Monroe*

- doubles fee for starting without permit .

U.S.A.

Anchorage      Option available to double permit fee and plan examination fee.

Atlanta      Permit fee is doubled to \$500 maximum.

Baltimore      10% of permit fee is added on if no violation notice issued. 20% of permit fee is added on if violation notice is issued for a minimum of \$10 to a maximum of \$100.

Boston      Fee is doubled.

Cleveland      If under 24 hours after notification and permit is issued, \$37.50 is added to the fee. If more than 72 hours, \$75 is added.

Dallas      Fee is doubled. There is a maximum fine of \$1,000 per day.

Houston      Whenever any work for which a permit is required has been commenced without first obtaining a permit, a special investigation fee, in addition to the permit and equal to the amount of the permit fee required herein, shall be paid before a permit can be issued for such work.

Memphis      Option available to double the fee.

Milwaukee      Option available to double the fee.

Phoenix      Option available to double the fee.

San Diego      Fee is doubled.

San Francisco      10 times the permit fee but not to exceed \$2,000.

Seattle      Several options available. Permit fee is tripled. The Director of Inspections or any other official could charge on an hourly rate additional time spent, i.e., plan examination or inspection. Inspector could waive penalty in cases where emergency work is required, i.e., fire damage.

Washington, D.C.      Fee is doubled.

It is my opinion that the supplementary fee for "after the fact" building permits should be proportional to the building permit fee and I am recommending that the building permit fee in such cases be doubled.

The payment of such double fee will not relieve any person or corporation from fully complying with the Ontario Building Code nor from any penalty prescribed in the Building Code Act for starting or proceeding with work prior to obtaining a building permit.

Recommendation: That the City Solicitor be requested to prepare an amendment to the Building Code By-law to double the permit fee for work started or proceeded with prior to the obtaining of a building permit.

The Committee also submits the communication (August 22, 1988) from the City Clerk:

City Council, at its meetings held on August 8, 12, & 18, gave consideration to the following motion on the Order Paper respecting "after the fact" building permits and referred the motion to the Commissioner of Buildings and Inspections and the City Solicitor with the request that they report thereon to the Neighbourhoods Committee meeting of September 22, 1988:

"Whereas it has been repeatedly identified to members of City Council that the issuance of building permits "after the fact" is a major frustration and is perceived as a breach of process by many Toronto residents; and

Whereas it has been the policy of the City of Toronto to allow people who have constructed or maintained structures without consent or compliance with by-laws to seek legalization through the Committee of Adjustment and through the Ontario Municipal Board; and

Whereas following an application to a conclusion through this process can take years, to the frustration of all involved, and mostly to those opposing the illegal construction; and

Whereas it should not appear to be the policy of City Council to condone construction without a building permit;

Therefore be it resolved that a supplementary fee of \$1,000. be attached to all "after the fact" building permits issued."

NO. 59-89. A BY-LAW

To further amend By-law No. 698-82, as amended, being a by-law "To provide for Construction and Demolition Permits under the Building Code Act."

(Passed December 12, 1988.)

Whereas the Council of The Corporation of the City of Toronto has identified an increased incidence in the City of construction occurring prior to the issuance of a construction permit;

And Whereas such construction results in increased inspection and administrative work for City staff;

And Whereas the Council of The Corporation of the City of Toronto at its meeting held on October 3 and 7, 1988, by the adoption of Clause No. 17 of Neighbourhoods Committee Report No. 19 as contained in Executive Committee Report No. 35, authorized the amendment of By-law No. 698-82, as amended, to double the permit fee for work started prior to issuance of the construction permit to recognize the additional inspection and administrative work required;

Therefore the Council of The Corporation of the City of Toronto enacts as follows:

1. By-law No. 698-82, as amended, being a by-law "To provide for Construction and Demolition Permits under the Building Code Act", is hereby further amended by deleting subsection 10(1) therefrom and substituting the following therefor:

- 10(1) (a) Every person when applying for a demolition permit shall pay a fee in accordance with Schedule "B" appended to and forming part of this By-law.
- (b) Every person when applying for a construction permit shall pay a fee.
  - (i) when construction has not commenced prior to the issuance of the construction permit, in accordance with Schedule "B" appended to and forming part of this By-law, or

(ii) when construction has commenced prior to the issuance of the construction permit, that is double the amount provided for in Schedule "B" appended to and forming part of this By-law.

ARTHUR C. EGGLETON,  
Mayor.

BARBARA G. CAPLAN  
Deputy City Clerk.

Council Chamber,  
Toronto, December 12, 1988.  
(L.S.)

4.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 June 10

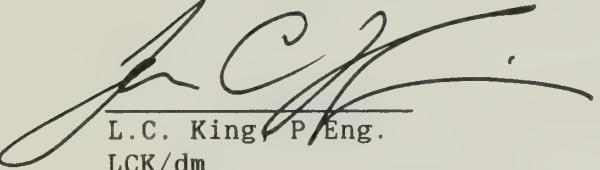
**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King  
Building Commissioner

**SUBJECT:** Building Administration Fund, Ministry of Housing  
1991 Grant Application

**RECOMMENDATION:**

- 1) That the Building Commissioner be authorized to make application to the Ministry of Housing for a grant of up to \$5,000 to implement a joint inspection program with the Ontario New Home Warranty Program (O.N.H.W.P.).
- 2) That City Council authorize the implementation on a trial basis of a joint inspection program with the O.N.H.W.P. Total cost not to exceed \$5,000.



L.C. King, P.Eng.  
LCK/dm

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The City's portion of the cost (\$5,000) is included in this year's budget as part of required inspections under the Ontario Building Code. If the pilot project is successful, this could lead to a new revenue source from the O.N.H.W.P..

**BACKGROUND:**

The Ministry of Housing has a building administration fund to provide financial assistance to municipalities wishing to improve the administration of their building permit application and inspection processes, building records management, and service to the public. Grants of up to \$5,000 may be awarded on the basis of 50% of the eligible costs of the project (see attached enclosed for details of program).

The Building Department has had discussions with the O.N.H.W.P. officials to provide combined inspection services. The public, upon purchasing a new house, are often disappointed to find that city building inspector's do not enforce workmanship. Concerns of workmanship have often been expressed to members of City Council, however, the Building Department has no jurisdiction over workmanship and is unable to help those persons.

Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

- 2 -

1991 June 10

This proposal in conjunction with the O.N.H.W.P. would empower our inspectors to perform some of the inspections necessary for warranty purposes. Inspectors would be on the site in a dual role which would potentially have cost and time savings.

The purpose of this grant application is to obtain funding for a trial six month joint inspection.

At the end of the trial period, if the proposal is successful, negotiations will be held with officials from the O.N.H.W.P. to contract inspections to City building inspectors.



Ministry  
of  
Housing      Ministère  
du  
Logement

Ontario Buildings Branch  
2nd Floor  
777 Bay Street  
Toronto, Ontario  
M5G 2E5

Tel: (416) 585-6651  
Fax: (416) 585-4029

JK  
March 25, 1991

To All Chief Building Officials

The Ministry of Housing continues to demonstrate its commitment to ensure that the building administration process is as efficient as possible while protecting public safety. This process, from initial contact and permit application through final inspection, should be uniform across Ontario.

The Building Administration Fund was established in 1984 to provide financial assistance to municipalities wishing to improve the administration of their building permit application and inspection processes, building records management and service to the public. Since that time nearly 200 municipalities have been served.

Grants of up to \$5000 may be awarded on the basis of 50% of the eligible costs of the project.

More detailed information addressing the conditions, procedures and approvals of grant funds is attached. Now is the time to take advantage of this opportunity to enhance the quality of building administration in your municipality.

Yours sincerely,

*Aubrey LeBlanc*

Aubrey LeBlanc  
Director

Attachment

MINISTRY OF HOUSING  
BUILDING ACTION PROGRAM  
BUILDING ADMINISTRATION FUND

A smooth running building department helps encourage safe building in the community. The more efficient the administrative and inspection processes, the fewer the delays, disruptions and disputes. Financial assistance is available under the Building Administration Fund to help municipalities enhance the quality of building administration.

Innovative proposals to improve the processing of building permits, to refine inspection procedures, to upgrade building records maintenance or to share services with neighbouring municipalities will be considered.

There are many ways in which a municipality can augment the effectiveness of its building department. New technology can help increase the speed and efficiency of administrative procedures. Refinements can be made in the processing of building permits, maintenance of building records and inspection procedures. Advice and service to the public can be strengthened.

ELIGIBLE RECIPIENTS

All Ontario municipalities are eligible to apply for funding. Project funding is available to the municipality for the Building Department exclusively.

Grants for improvements to the building administration service are limited to 50% of the cost of the project or \$5,000.00, whichever is less.

For the joint inspection service, municipalities are eligible for salary costs of \$200.00 per week to a maximum of 52 weeks for the first year of operation only.

## CONDITIONS AND PROCEDURES

For municipalities interested in applying for a building administration grant, a detailed proposal of the project must be submitted defining the work to be undertaken, stating goals and objectives, providing a cost-benefit analysis and a summary of the anticipated benefits to the building administration process.

A demonstrated commitment from the municipal council in the form of a resolution accompanying the proposal is required.

Depending on the nature and scope of the project, eligible costs may include feasibility studies, administration studies, purchase of equipment, contract staff (project specific) and training costs associated with the implementation of new procedures.

- Retroactive funding will not be available for project expenditures made prior to January 1, 1991. Funding will be based on 50% of unpurchased assets only.

## CRITERIA

Acceptable projects must meet the following criteria:

- cost effectiveness, measured in terms of productivity improvement, reduced costs, improved decision-making or customer relations
- transferability of the concept to other municipalities of a similar size
- demonstrated commitment from municipal council and staff to implement the project
- deadline - applications will be reviewed on a first-come-first-served basis, and all applications must be submitted by June 28, 1991. Any application received after June 28, 1991, will be returned to the submitting municipality.

## HOW TO APPLY

Municipalities applying for funds must provide the following information:

- a description of the Building Department's current methods of operation, including a brief history of the Municipality's building activity emphasizing any special local conditions, the number and value of building permits issued during the previous three years and the department's present staff organization,
  - certified copies of municipal by-laws enacted in accordance with the enabling legislation must accompany the application. These include:
    - building by-law
    - plumbing by-law
    - appointment by-law(s)/resolution(s)
  - a detailed description of the project, outlining its goals and objectives,
  - a detailed cost-benefit discussion describing the anticipated administrative and/or operation improvements the project is expected to bring to building administration. This should also itemize any cost reductions the project is expected to provide,
  - a detailed cost break-down of anticipated project costs,
  - an implementation plan outlining milestone dates for each critical point in the project. eg: the anticipated project start date, when staff training will begin, when the project will be completed.
  - any funding from other agencies, ministries or levels of government should also be noted.
- \*\*\* All incomplete proposals will be returned to the submitting Municipality.**

Enriched funding may be available for a limited number of innovative projects which demonstrate major technological advances in the field of building administration. Municipalities are invited to submit projects of a comprehensive nature for consideration. These projects will be reviewed subject to availability of funds and negotiation with the municipality involved.

The Buildings Branch staff is available to provide assistance, if required, during the preparation of an application. If assistance is required, contact April Rose, Grants Officer at (416) 585-7384.

#### PROJECT EVALUATION

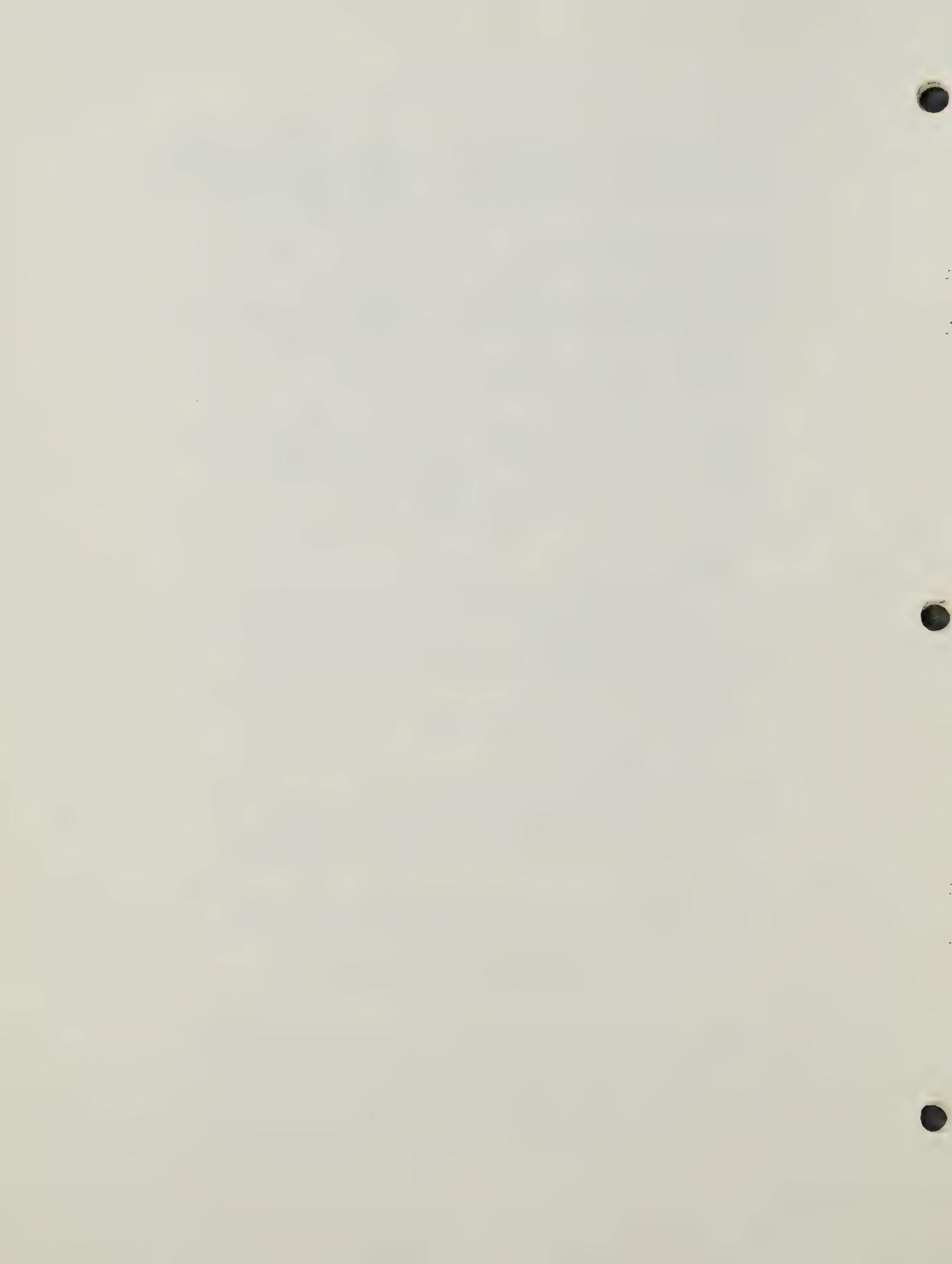
Proposals received will be reviewed by committee on a first-come-first-served basis. Applicants will be apprised of their status by July 31, 1991. All proposals that are not awarded funds, will be returned to the submitting municipality.

Approved projects require an agreement between the Province and the municipality, supported by a resolution of Council authorizing the project.

Please direct all correspondence to:

April Rose  
Grants Officer  
Municipal Administration  
and Education  
Buildings Branch  
Ministry of Housing  
777 Bay Street  
2nd Floor  
Toronto, Ontario  
M5G 2E5

(416) 585-7384



**CITY OF HAMILTON**

**- RECOMMENDATION -**

5.

**DATE:** 1991 June 10

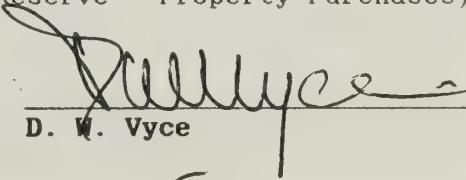
**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. D. W. Vyce  
Director of Property

**SUBJECT:** Lot 18, Plan M-227 (140 Nebo Road)  
Hamilton Mountain Industrial Park No. 1  
- City repurchase from Allan Michaels  
Electric Ltd.

**RECOMMENDATION:**

That The Corporation of the City of Hamilton repurchase the lands known as Lot 18, Plan M-227 (140 Nebo Road), Hamilton Mountain Industrial Park No. 1 from Allan Michaels Electric Ltd. at the original price of \$200,000.00 less only the Real Estate Commission of \$9,000.00, paid by the City of Hamilton to a Real Estate Agent at the time of the sale for a total price of \$191,000.00 to be charged to Account Number CH 5X307 00102 (Reserve - Property Purchases).

  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

See above recommendation.

**BACKGROUND:**

Allan Michaels Electric Ltd. originally purchased this land from The Corporation of the City of Hamilton on March 26, 1990 at the price of \$200,000.00 with a Real Estate Commission fee paid to Realcan Realty of Canada Ltd., whose agent, Mr. Harry McKillop, acted in this matter in the amount of \$9,000.00. In a letter dated May 30, 1991, they have cited a number of factors in their inability to fulfil the development obligations that it assumed when they purchased the property from the City. These factors are:

1. Cancellation of the north/south portion of the Red Hill Expressway.
2. The recession.
3. Economic hardships experienced by their company.

10 June 1991

Planning and Development Committee

Page 2

4. A lack of interest by businesses/tenants to locate in the Mountain Industrial Park.

The letter goes on to request that the City grant them permission to sell the property or to take the property back and refund the total purchase price including the deposit. Since they have not fulfilled their obligations under the original terms of the sale, we do not recommend the City grant permission for them to sell the property to a third party. Under the original terms of the sale, the City is entitled however to repurchase the said land at the original purchase price of \$200,000.00 less the deposit paid and less any Real Estate Commission paid by the City. However, in light of the above circumstances, particularly with the cancellation of the north/south sector of the Red Hill Expressway, we believe it fair and reasonable to recommend refunding the total purchase price less only the Real Estate Commission paid by the City.

This department, after considering all factors involved at the present time with the development of industrial lots in the Region and since there appears to be no immediate signs of improvement in the Expressway situation, supports the request of Allan Michaels Electric Ltd. that the City repurchase Lot 18, Plan M-227 (140 Nebo Road) in accordance with the aforesaid recommendation.

c.c. - Mrs. P. Noé Johnson, City Solicitor  
- Mr. E. C. Matthews, Treasurer  
- Ms. L. MacNeil, Property Clerk, Surveys  
- Mr. J. D. Thoms, Acting Director of Economic Development  
Attention: Mr. S. Galbraith

(2738)



THE CORPORATION OF THE CITY OF HAMILTON  
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1991 May 29

6.

Rev. R. W. A. Burridge  
Merchants of Jamesville  
B.I.A.  
c/o 195 James Street North  
Hamilton, Ontario  
L8R 2L2

Dear Reverend Burridge:

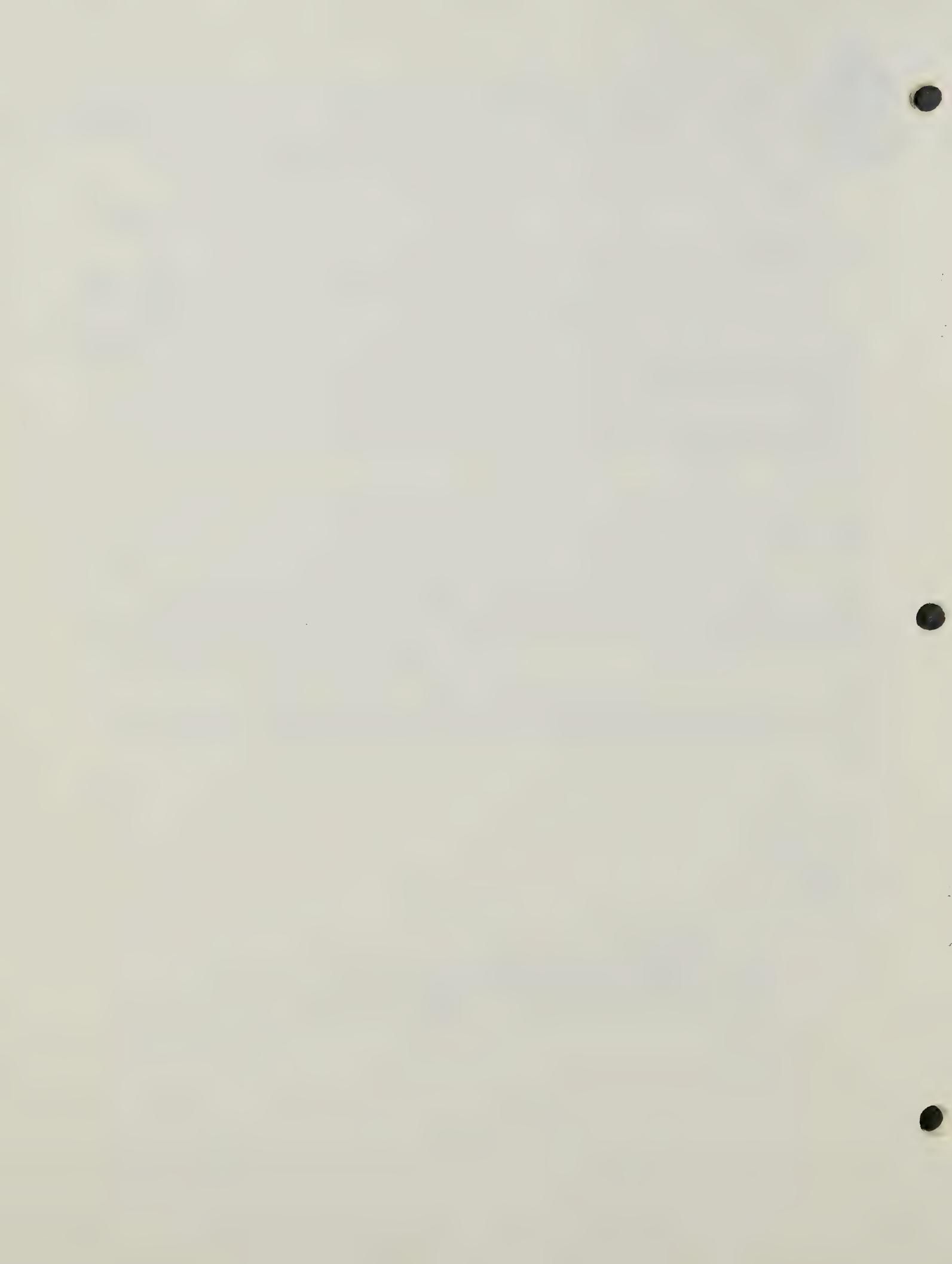
This is to advise that your letter received in my office on May 22, 1991 and accompanying petition respecting the disbanding of the Jamesville B.I.A. was presented to City Council at its meeting on May 28, 1991 at which time this matter was referred to the Planning and Development Committee.

Mrs. S. Reeder, Secretary of the Planning and Development Committee, will be in contact with you to advise as to the Committee's disposition of this matter.

Yours truly,

J. J. Schatz  
Deputy City Clerk

c.c.:           Mrs. S. Reeder, Secretary, Planning and Development Committee  
                 Mr. J. Pavelka, Director of Public Works  
                 Mrs. J. McNeilly, Co-ordinator of Community Renewal, Public Works Dept.



RECEIVED

MAY 22 1991

1

CITY CLERK

Merchants of Jamesville;  
C/O 195 James St. N.  
Hamilton, Ontario  
Rev. R.W.A.Burridge  
Tel. 522-7587  
Leonilde Valentim  
Tel. 522-8539

C/O

The Clerk of the City of Hamilton,  
Hamilton City Hall,  
Main St. W.  
Hamilton, Ontario

The Clerk of The City of Hamilton;

We the merchants of Jamesville, James St. N.,  
Hamilton, Ontario;

pertaining to the signed petition by us 97 in all.  
RE. The vote May 8th., 1991, to disband the Jamesville B.I.A.  
, it,s Budget; It,s Board of directors.

We ask you as the Clerk, to submit this request,  
the letter and petition to the City Council; and be referred  
to the proper departments, and The Mayor Bob Morrow.

May 17th., /91

Dear City Council, Mayor Bob Morrow, and all departments  
responsible:

We the Merchants of James St. N., in the area  
of the Jamesville B.I.A., signed by hand on the attached  
petitions; Request that the City Council and all the proper  
authorities governing the Jamesville B.I.A. Bylaw Designation  
be repealed.

On May 8th./91, the Jamesville B.I.A. called a  
general meeting of the members of the Jamesville B.I.A.  
To vote on the ,

Board of Directors

The Budget

And other Business.

We the members attending; voted through a motion and seconded,  
to allow all members of the Jamesville B.I.A. to vote.

This was voted on and passed, by a good majority.

A motion was presented and second; That we did not  
want any board of directors, nor a budget, and we did not  
want the B.I.A.

next page

(2.)

The vote was 24 to 10 in favour of the motion.  
This meeting was run by Ron Corcini, and Community Development of the City Hall.

The motion was called to vote by Ron Corcini of the B.I.A.

The City Hall's Community Development, people supervised the voting; and giving out the ballots to each member.

We merchants of the Jamesville B.I.A. Area signed by hand on the petitions agree with the vote and to disband the Board of directors, the budget, and the B.I.A.

We here by request that the Jamesville B.I.A. and its bylaw of designation be repealed and stop functioning.

The B.I.A. has been grossly mismanaged, by the board of directors; The president even taking \$6,000.00 of the B.I.A. funds.

It has a budget capability, which really is uncontrollable all the way from the Ontario Municipal Act-217 to the B.I.A. Board of directors.

The merchants have little recourse to the B.I.A. And it is not benefiting the majority of the merchants.

It is of little interest to the merchants of the B.I.A. area and certainly no honest effort or interest of the rest to run the board properly and responsible for it.

We ask this matter be dealt with properly; In writing to us and with proper notice timing of any meetings concerning this matter.

After the first of june 1991 would be appreciated.  
for us personally.

Thank You;

cc: R.Plant QC.  
cc: Mayor Bob Morrow

ATTACHED IS A SAMPLE OF  
THE FORM SUBMITTED WITH THE  
PETITION (97 SIGNATURES).

*D. Gollister* CASA SAND CHIST  
*99% Store*  
*Hotel Hamilton*  
*Laundromat*  
*Almory*  
*Superior*  
*Spa*  
*Indian*  
*Palace*  
*Surfman*

Are you pleased the Jamesville B.I.A.; was DEFEATED;  
on May 8th, 1991.

Because there is no cost control on the Levy (TAX)  
And it was improperly managed.

YES (  ) ----- NO (  )

BUSINESS... S.P.E.C.I.A.L. Effects... HAIR STYLING  
ADDRESS

11... King... W.LL1A.m... St.....

SIGNATURE... *Abeila... Altimore*.....

DATE... ?? May. 16. 1991...

SAMPLE

Are you pleased the Jamesville B.I.A.; was DEFEATED;  
on May 8th, 1991.

Because there is no cost control on the Levy (TAX)  
And it was improperly managed.

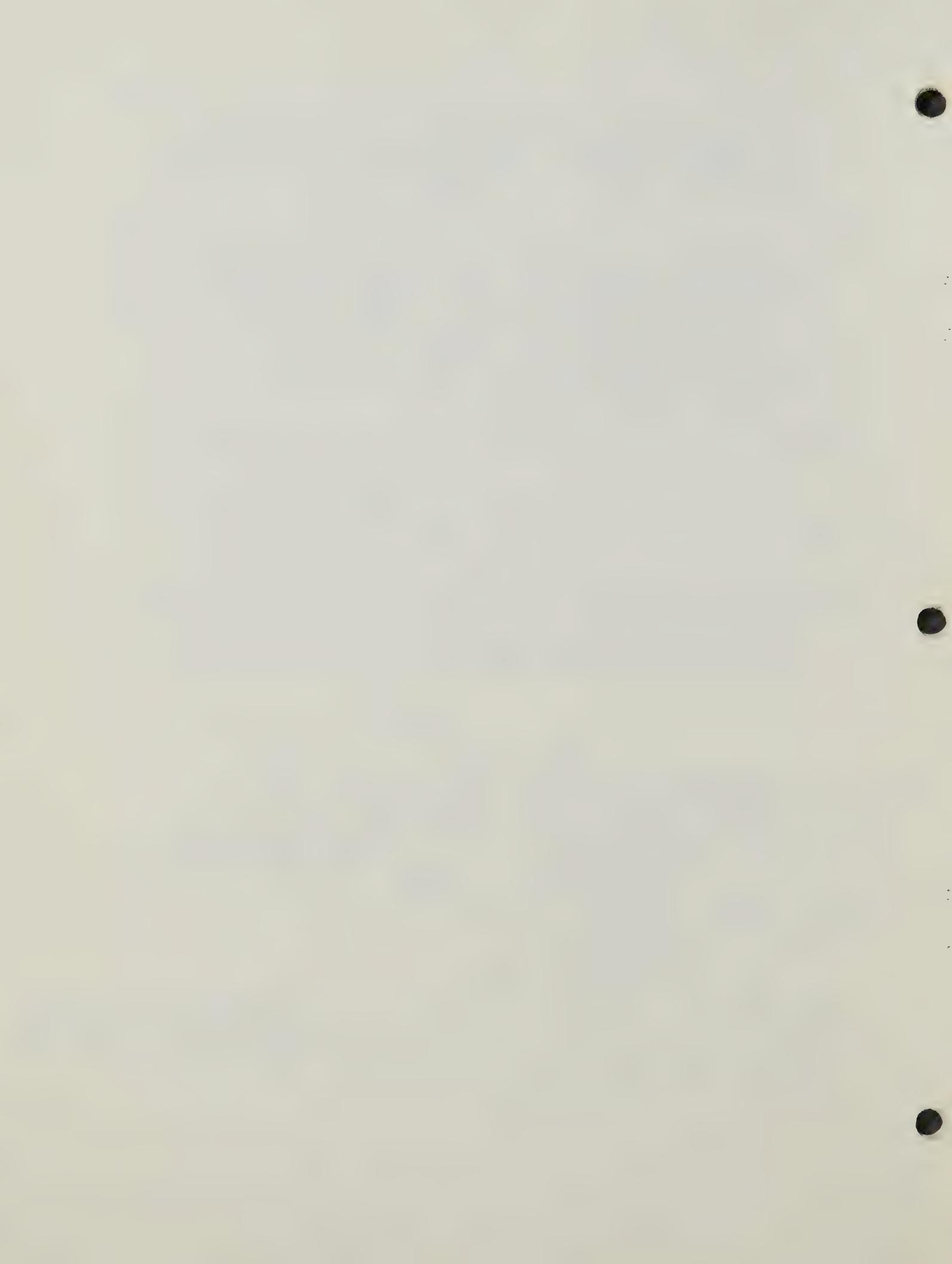
YES (  ) ----- NO (  )

BUSINESS... 5, King William St.....  
ADDRESS

... LONDON WINES.....

SIGNATURE..... *D. J. Glassie*

DATE..... MAY 16.... 1991



# CITY OF HAMILTON

## - RECOMMENDATION -

6a.

**DATE:** 1991 June 13

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

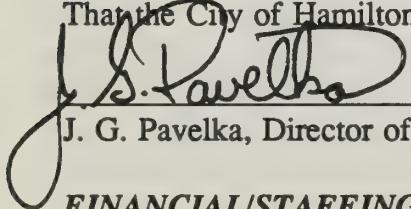
**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

**SUBJECT:** Jamesville Business Improvement Area (B.I.A.) Petition

### **RECOMMENDATION:**

That the petition from the "Merchants of Jamesville" submitted to the City Clerk on 1991 May 22 be received; and,

That the City of Hamilton maintain its relationship with the Jamesville B.I.A.

  
\_\_\_\_\_  
J. G. Pavelka, Director of Public Works

### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There is approximately six thousand, three hundred dollars (\$6,300.) in outstanding levies owed to the City of Hamilton for 1990. Jamesville B.I.A. has presently one thousand, eight hundred dollars (\$1,800.) in their bank account.

The Treasury Department has advised the Community Renewal Section of Public Works that Jamesville B.I.A. must pass a budget to cover outstanding levies prior to receiving any money.

The interim Jamesville B.I.A. Board of Management intends to deal with this matter late this year by holding another general meeting after the summer during which time the City's Job Development staff will be contacting each merchant to appraise him/her of the merit of a Business Improvement Area.

### **BACKGROUND:**

The following is a brief history of the events that preceeded the submission of the attached petition signed by 97 of approximately 144 merchants:

On 1991 May 08 a general meeting was held to elect an interim Board and to discuss a budget as well as other business. The B.I.A. members were all circulated a Notice of Meeting. There were approximately 34 people at the Meeting. The interim Board was not elected.

The Meeting

The Meeting was interrupted by Mr. R. Burridge, Owner of Hotel Hamilton, 195 James Street North, who put a motion on the floor recommending that the B.I.A. be disbanded. The group of merchants that were present at the meeting were not interested in anything else other than taking a vote on this motion.

The Meeting was out of control. Although a vote was taken, there were a number of unorthodox procedures including double counting of votes and acknowledging unpaid members as voters.

R. Corsini, Chairman of the B.I.A., objected to the vote since this was not on the agenda and the rest of street was not properly informed on this item.

Staff, Ward Aldermen, Law and Treasury Departments all met on 1991 May 16 to review the legal implications of the vote that took place at this general meeting. The Law Department advised us that the vote was not legal since it was not on the agenda and all members of the B.I.A. were not given proper notice that this item would be dealt with. Staff and Ward Aldermen agreed that the Jamesville B.I.A. should not rush into a subsequent meeting. Rather, the Job Development Grant staff should take inventory of the merchants views and educate them about Business Improvement Areas to alleviate any misunderstandings.

To illustrate the individual levy costs for the B.I.A. members, based on a six thousand dollar (\$6,000.) budget, the individual B.I.A. levies would range from two dollars to two hundred and fifty dollars (\$2. - \$250.) per year. Therefore, the average tax levy is forty-five dollars (\$45.) per year per business.

Although there is approximately six thousand, three hundred dollars (\$6,300.) outstanding in unpaid levies, approximately thirty-five thousand dollars (\$35,000.) in levies has been collected. Of the 144 assessed businesses, only 21 (15%) members have not paid the assessed levy, therefore, 123 (85%) have paid. Staff have concluded that the present situation with the Jamesville B.I.A. has occurred because of poor communication with a minority of the membership.

The staff recommends that the Job Development staff continue to go out on the street and educate the merchants on the positive benefits of a B.I.A. prior to holding another general meeting.

On 1991 June 05 a few Jamesville merchants met to discuss what would be involved if they were to participate in an interim board of management until November elections could be held.

The following individuals have agreed to sit on the Jamesville B.I.A. Interim Board:

**Una Wood - Bank of Montreal, 303 James Street North**

**Ron Corsini - Chairman, Corsini Supermarkets Ltd., 340 James Street North**

**Wayne Smith - Sam the Record Man, 114 James Street North**

**Dan Lengwell - Biway, 135 James Street North**

**Guido Ricca - Ricca Furniture, 228 James Street North**

The Jamesville B.I.A. will hold their next Board Meeting on 1991 June 18. The Ward Aldermen and Mayor R. Morrow will be notified of the location of this meeting.

JP:bk

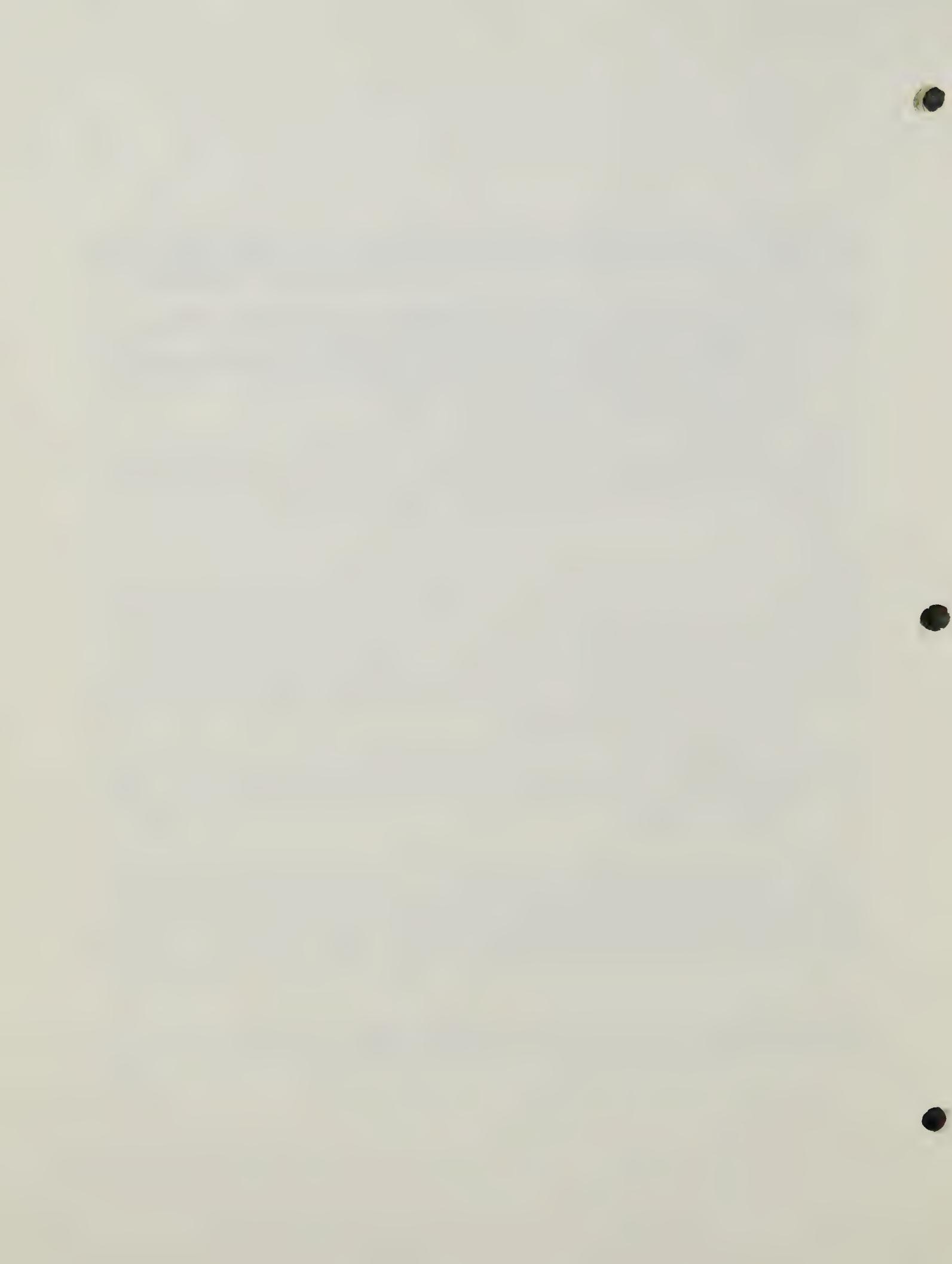
Atch.

cc:     Alderman V. Agro, Ward Two

Alderman Wm. McCulloch, Ward Two

Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. E. Matthews, City Treasurer  
Treasury Department



7.

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1991 June 13

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. G. Pavelka, P.Eng.  
Director of Public Works

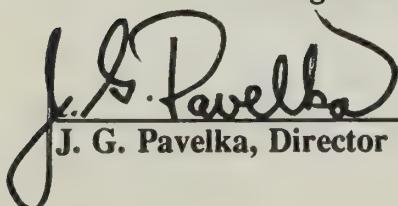
**SUBJECT:** Programme for Renewal, Improvement, Development and  
Economic Revitalization (P.R.I.D.E.) Anti-Recession  
Programme; Estimates of Expenditures

**RECOMMENDATION:**

That the eight hundred thousand dollars (\$800,000.) for the P.R.I.D.E., Anti-Recession Programme previously approved by City Council on 1991 March 26 be allocated on the following:

Wheelchair Ramps	\$200,000.
Hard Service Treatment to Kelly and Elgin Streets in the Central/Beasley Neighbourhood	\$100,000.
Trees and Grates	\$100,000.
Sidewalk Reconstruction	\$306,000.
Road and Sidewalk Beautification (Horticulture)	<u>\$ 94,000.</u>
<b>TOTAL</b>	<b>\$800,000.</b>

**NOTE:** The City's portion of the Anti-Recession Programme in the amount of four hundred thousand dollars (\$400,000.) will be funded from existing current budget accounts within the Public Works Department.



J. G. Pavelka, Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The total project cost is eight hundred thousand dollars (\$800,000.). The City's portion of four hundred thousand dollars (\$400,000.) will be funded through existing current budget programmes in the Public Works Department from both Streets and Sanitation and Parks Divisions as follows:

**60132-31401 1991 Sidewalk Repair**

**Activity Numbers:**

62204 Tree Planting (Parks)  
60422 Floricultural - Roadside Areas  
60402 Tree Planting - Large Calliper (Streets)  
60404 Tree Planting - Bare Root (Streets)  
60429 Beautification of Traffic Islands  
61402 Tree Planting - Large Calliper (Region)  
61404 Tree Planting - Bare Root (Region)

**BACKGROUND:**

On 1991 March 26 City Council approved a report authorizing the Public Works Department to advise the Ministry of Municipal Affairs that the City of Hamilton would utilize the Anti-Recession P.R.I.D.E. Allocation of four hundred thousand dollars (\$400,000.) and that the City's portion of this Programme would be financed through existing budgets within already designated Community Improvement Project Areas and Redevelopment Areas. Therefore, the amount of work normally accomplished by the City of Hamilton within its current budgets will be increased by the four hundred thousand dollars (\$400,000.) grant issued by the Ministry of Municipal Affairs. The City's portion of the Anti-Recession funding will be spent on sidewalk repair and reconstruction as well as wheelchair ramping. All wheelchair ramping proposed is based on a priority list prepared by and with the Wheelchair Ramping Sub-Committee.

The P.R.I.D.E. Anti-Recession Programme is somewhat different from other P.R.I.D.E. Programmes in the following ways:

1. The project must be financed and executed within the current year before the deadline of 1992 January 31.
2. All funds must be spent within existing Community Improvement Project and Redevelopment Areas as defined by the Planning Act.

3. Construction must commence within six months of announcement of the allocation.
4. Projects that are proposed by the Municipality must be labour-intensive and therefore assist directly in providing jobs and offsetting layoffs in the local labour market.

The Community Improvement Project and Redevelopment Areas that are in existence are all located within the lower city and, we are proposing to expend the Anti-Recession funds in a number of these. These Community Improvement Redevelopment Plans already contain language that will allow these improvements to occur:

1. Kirkendall Neighbourhood
2. Strathcona Neighbourhood
3. Corktown Neighbourhood
4. Central Neighbourhood
5. Crown Point West Neighbourhood
6. McQuesten Neighbourhood
7. Normanhurst Neighbourhood
8. Beasley Neighbourhood

cc: Alderman Copps, Chairman  
Ramping Committee

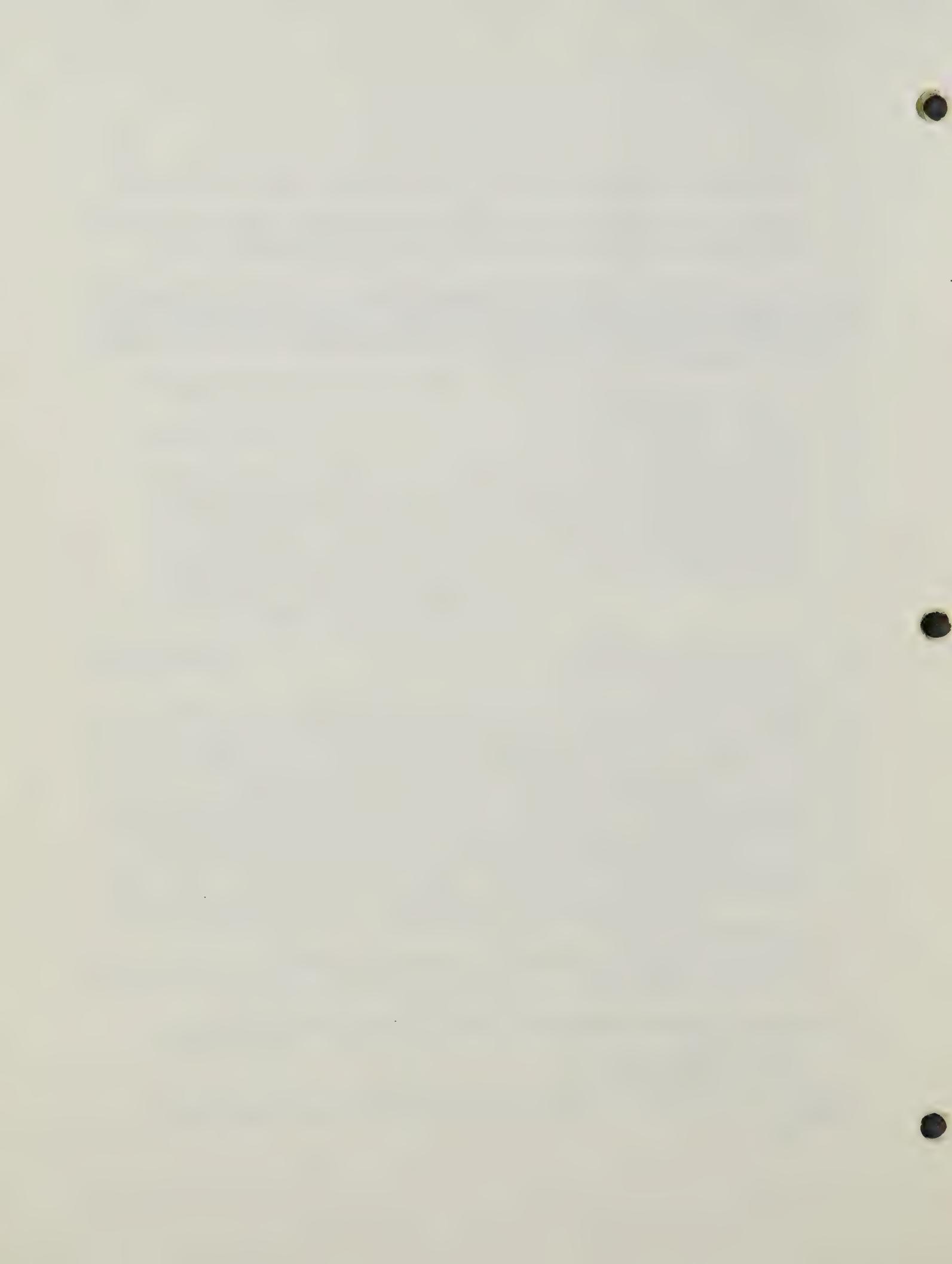
Ms. T. Agnello, Secretary  
Transport and Environment Committee

Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. E. Matthews, City Treasurer  
Treasury Department

Mr. D. Lobo, Manager  
Streets and Sanitation Division  
Public Works Department

Mr. B. Chrystian, Manager  
Parks Division  
Public Works Department



8.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 June 10  
P5-9-3

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

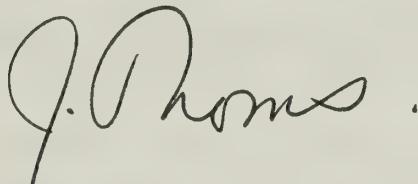
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

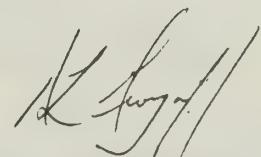
Amendment #36 to the Town of Ancaster Official Plan - Request for Comments

**RECOMMENDATION:**

That the Planning and Development Committee recommend to Council that the Clerk be directed to advise the Region that Official Plan Amendment #36 to the Town of Ancaster Official Plan has no impact on the planning intentions of the City of Hamilton.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A. L. Georgieff, M.C.I.P.  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**EXPLANATORY NOTE:**

Hamilton-Wentworth Region has requested the City's comments, amongst others, on Amendment #36 to the Town of Ancaster Official Plan. The purpose of the Amendment is to extend the limits of the Town's urban area and redesignate lands therein for urban uses including residential, commercial, institutional and open space.

## **BACKGROUND AND REPORT:**

The Region is requesting the City's comments on Official Plan Amendment No. 36 to the Ancaster Official Plan (see Appendix 1 attached).

Committee and Council, in January 1991, responded to the Region that the Town's request to amend the Hamilton-Wentworth Official Plan to provide for the expansion of Ancaster's urban area had no impact on the City's planning intentions. Amendment No. 36 is an amendment to Ancaster's Official Plan which provides for specific land use designations within the area of the proposed expansion and provides policy guidance for its development.

The purpose of this amendment is to:

- "Extend the Urban Area to incorporate approximately 210 hectares of land for residential and other neighbourhood land uses."
- Re-designate land within the area to a full range of urban land use designations to permit the establishment of new neighbourhoods or the completion of existing residential neighbourhoods.
- Add specific policies which will guide development with specific emphasis on consideration for environmental matters."

The area subject to this Amendment (see Map 1 attached) is approximately 2.5 km (1.6 miles) west of the City limits. The area affected is bounded on the south by Hwy. #53, on the east by Southcote Road, on the west by Shaver Road, and on the north by Hwy. #403 and on the north-west by Hwy. #2.

The basis for the Amendment is:

- an identified need, since the majority of urban land designated for development is under one ownership which affects the pace and phasing of development;
- there will be no deleterious impact on the agricultural land base nor to the environmental features of the Dundas Valley;
- the area being considered can accommodate non-farming uses that try to locate in the Rural Area; and,
- the area is a logical extension of the Urban Area and will make more efficient use of existing services, provide all necessary new services and cause little traffic impact on the existing community.

The Amendment provides for a variety of urban uses including "Residential", "Institutional", "Commercial" and "Open Space and Conservation". Various policies provide for:

- more detailed planning through the preparation of Secondary Plans requiring a further amendment to the Town's Official Plan;
- a range and mix of housing for different income groups, age levels, lifestyles and households structures;

- targets to be established for a minimum 25% of new residential units to be affordable as defined in the Provincial Policy Statement on affordable housing; (Actual costs have yet to be established).
- acoustical studies to be required for all development abutting Hwys. #403 and #53, and future Hwy. #6; and,
- specific locations for schools and parks.

### ***IMPLICATIONS ON THE CITY OF HAMILTON***

The Hamilton Official Plan designates all lands abutting the Town of Ancaster between Stone Church Road and Rymal Road (Hwy. #53) for "Residential", except for a small "Open Space" and "Major Institutional" designation approximately midway between the two roads. The Neighbourhood Plan for Falkirk West Neighbourhood is currently being prepared.

One concern is the impact of future development on Rymal Road (Hwy. #53). The Background Report prepared in support of the Official Plan Amendment states that a traffic study was undertaken by the Town and that no adverse impacts are anticipated. The Region's Engineering Department in its review of the proposed Ancaster amendment has noted that "There are no special costs or difficulties associated with the proposed urban boundaries from the viewpoint of ... transportation." (See Appendix 2 attached.)

### ***SUMMARY AND CONCLUSIONS:***

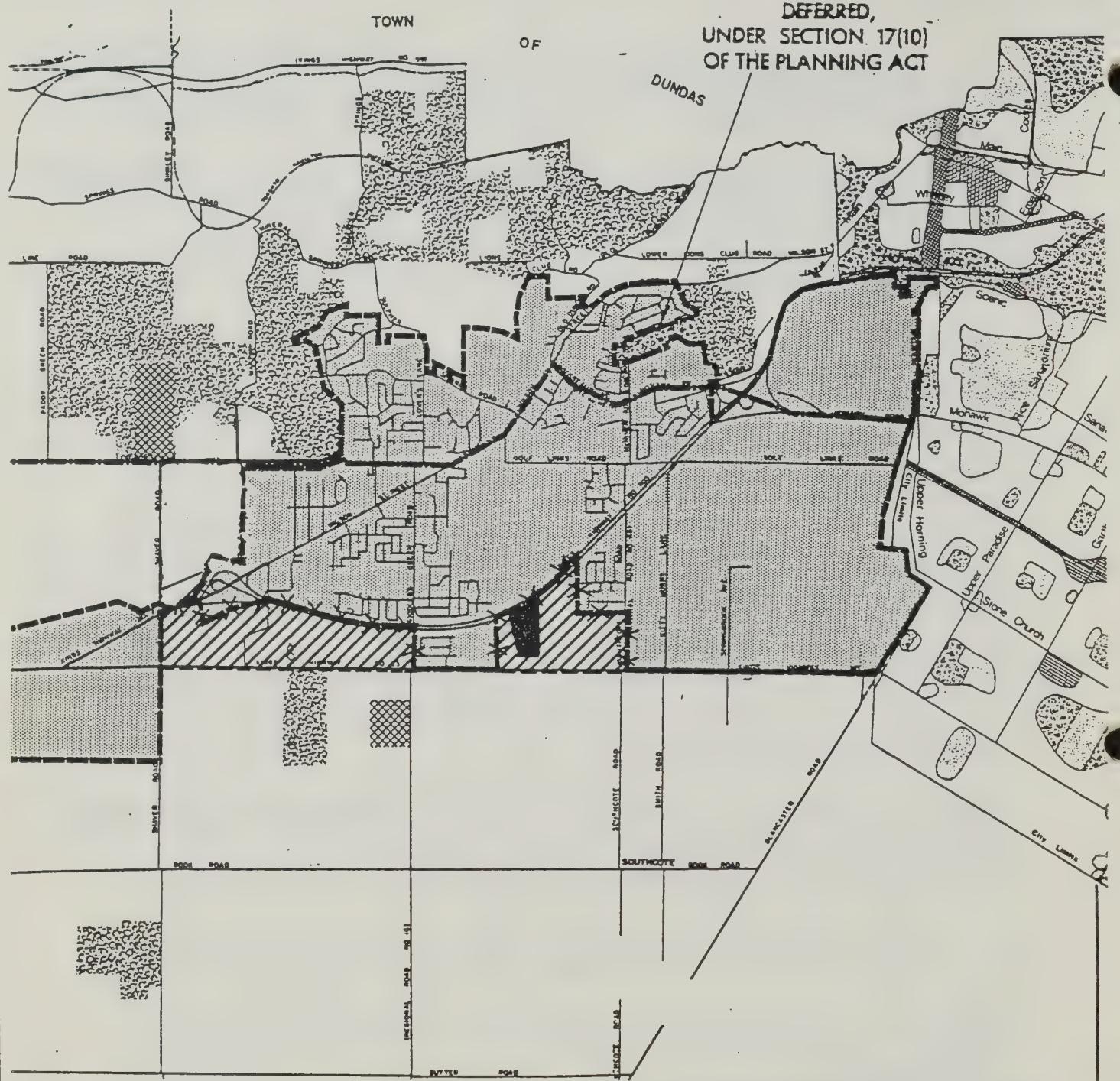
Based on the foregoing, Amendment #36 to the Official Plan for the Town of Ancaster will have little impact on the planning intentions of the City of Hamilton. This being the case, Council should direct the Clerk to so advise the Region.

CF

CF/dkp

A:REPORTS.ANC

DEFERRED,  
UNDER SECTION 17(10)  
OF THE PLANNING ACT



**LEGEND:**

[Solid White Box]	residential
[Horizontal Hatching Box]	commercial
[Diamond Pattern Box]	industrial
[Wavy Lines Box]	open space
[Water Pattern Box]	open water
[Cross-hatching Box]	major institutional
[Vertical Hatching Box]	utilities
[Dotted Box]	central policy area
[Starburst Box]	sub regional centre
[X X X Box]	delete urban area boundary
-----	new urban area boundary
[Diagonal Hatching Box]	change from "agricultural" to "urban area"
[Solid Black Box]	change from "rural industrial" to "urban area"

**Excepts from Amendment #36  
-Town of Ancaster Official  
Plan and Schedule 'A' to  
Hamilton Official Plan**



**MAP 1**

AMENDMENT NO. 36

TO THE  
OFFICIAL PLAN  
FOR THE  
TOWN OF ANCASTER

INITIATED BY  
THE TOWN OF ANCASTER

PREPARED BY  
THE PLANNING DEPARTMENT  
OF THE TOWN OF  
ANCASTER

APRIL, 1991

File OP-90-1

ANCASTER TOWN COUNCIL

1989 - 1991

MAYOR

Mr. R. Wade

REGIONAL COUNCILLOR

Mrs. A. Sloat

COUNCILLORS

Mr. K. Brennan  
Mr. L. Ferguson  
Mr. J. McKeon  
Mr. W. Ziolkowski  
Mr. R. Zsiros

AMENDMENT NO. 36

TO THE  
OFFICIAL PLAN  
FOR THE  
TOWN OF ANCASTER

CONTENTS OF THIS DOCUMENT

PART 1 - THE CERTIFICATION

- 1.0 Certification Page
- 2.0 Approval by the Regional Municipality of Hamilton-Wentworth
- 3.0 By-law of Adoption

PART 2 - THE AMENDMENT

- 1.0 Purpose
- 2.0 Location
- 3.0 Basis
- 4.0 Actual Change
- 5.0 Implementation

PART 3 - THE APPENDIX

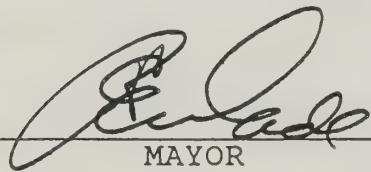
- 1.0 Technical Report PLN/90/52
- 2.0 The executive summary of the report entitled Urban Area Expansion 1990: Background Report
- 3.0 Technical report PLN/91/12
- 4.0 Notice of Public Meeting
- 5.0 Report from the Public Meeting held on October 24, 1990
- 6.0 Excerpt from the Committee of the Whole meeting held February 27, 1991
- 7.0 Excerpt from the Committee of the Whole meeting held April 3, 1991

PART 1 - THE CERTIFICATION

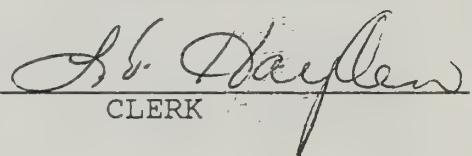
AMENDMENT NO. 36  
TO THE OFFICIAL PLAN  
FOR THE  
TOWN OF ANCASTER

1.0 ADOPTION BY THE TOWN OF ANCASTER

Amendment No. 36 to the Official Plan for the Town of Ancaster comprised of the attached text, and schedules, was prepared as directed by the Council of the Town of Ancaster, and adopted by the Council of the Corporation of the Town of Ancaster by By-law No. 91-29 in accordance with Sections 17 and 21 of The Planning Act, 1983 on the 22nd day of April , 1991.



MAYOR



CLERK

\*\*\*\*\*

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

2.0 APPROVAL BY THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

This Amendment No. 36 to the Official Plan for the Town of Ancaster, which has been adopted by the Council of the Corporation of the Town of Ancaster, is hereby approved in accordance with Sections 17 and 21 of The Planning Act, 1983 as Amendment No. 36 to the Official Plan for the Town of Ancaster.

DATE \_\_\_\_\_

Regional Chairman

THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 91-29

The Council of the Corporation of the Town of Ancaster, in accordance with the provisions of Sections 17 and 21 of The Planning Act, hereby enacts as follows:

- 1) That Amendment No. 36 to the Official Plan for the Town of Ancaster, consisting of the attached text and schedules is hereby adopted.
- 2) That the Clerk is hereby authorized and directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of Amendment No. 36 of the Official Plan for the Town of Ancaster.
- 3) That this by-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this 22nd day of April , 1991.

Signed

CLERK

J. J. Dayton

Signed

MAYOR

B. L. Wade

CORPORATE  
SEAL OF  
MUNICIPALITY

Certified that the above is a true copy of By-law No. 91-29 as enacted and passed by the Council of the Town of Ancaster on the 22nd day of April , 1991.

Signed

CLERK OF THE MUNICIPALITY

J. J. Dayton

## PART 2 - THE AMENDMENT

### 1.0 PURPOSE

The purpose of this Amendment is to:

- 1.1 Extend the Urban Area to incorporate approximately 210 hectares of land for residential and other neighbourhood land uses.
- 1.2 Re-designate land within the area to a full range of urban land use designations to permit the establishment of new neighbourhoods or the completion of existing residential neighbourhoods.
- 1.3 Add specific policies which will guide development with specific emphasis on consideration for environmental matters.

### 2.0 LOCATION

The area affected by this Amendment is bounded on the south by Highway No. 53, on the east by Southcote Road., on the west by Shaver Road., on the north by Highway No. 403, and on the northwest by Highway No. 2. The area comprises parts of the Shaver and Garner neighbourhoods as established in report PD-09-89.

### 3.0 BASIS

The area is currently designated "Agricultural" and "Rural Industrial". The area is being considered for urban expansion on the basis that:

- 3.1 There is an identified need, because the majority of urban land currently designated for development in the Official Plan is under one ownership, thereby affecting the pace and phasing of development.
- 3.2 The area being considered will not have a deleterious impact on the Agricultural land base nor to the environmental features of the Dundas Valley.
- 3.3 The area being considered can accommodate non-farming uses that try to locate in the Rural Area.
- 3.4 The area is considered a logical extension to the Urban Area and will make more efficient use of existing services, provide all necessary new services and cause little traffic impact on the existing community.

A background report examining these above noted matters is attached hereto as Appendix 2.0

## 4.0 ACTUAL CHANGE

### 4.1 Schedule Changes

- 4.1.1 Schedule "A" - Land Use - Rural Area is hereby amended by changing the land use designations as shown on Schedule "A" of this Amendment.
- 4.1.2 Schedule "B" - Land Use - Urban Area is hereby amended by changing the land use designation as shown on Schedule "B" of this Amendment.
- 4.1.3 Schedule "F" - Specific Policy Area is hereby amended by adding the new Specific Policy Areas 32, 32-a, 32-b and 32-c, as shown on Schedule "C" of this Amendment.

### 4.2 Text Changes

- 4.2.1 Subsection 3.1 Municipal Growth is hereby amended by deleting the last sentence of Policy 3.1.1 in its entirety and substituting the following therefore:

"In this regard, the anticipated population within the Urban Area, when this plan is fully realized, shall be approximately 47,000 persons."

- 4.2.2 Subsection 3.1 Municipal Growth is hereby amended by adding the following sentence to Policy 3.1.10:

"In this regard, Council will not give positive consideration to any proposals to expand the Urban Area to the south of Highway No. 53 until there is less than a 10-year supply of developable lands within the Urban Area."

- 4.2.3 Subsection 3.2 Transportation is hereby amended by deleting all reference to a widening required for Shaver Road in Policy 3.2.2 (ii) General Policies, and substituting the following therefore:

<u>"Road</u>	<u>From</u>	<u>To</u>	<u>Future Right-of-way width Metres</u>
Shaver Rd.	Hwy. No. 2	65 metres north of Hwy. No. 2	26.00
Shaver Rd.	Hwy. No. 2	Ont. Hydro Corridor South of Hwy. No. 53	10.00 widening on west side "

- 4.2.4 Subsection 4.1 Agricultural - land use policy is hereby amended by deleting Policy 4.1.9 and renumbering the policies that follow in a sequential order.
- 4.2.5 Subsection 4.1 Agricultural - land use policy is hereby amended by deleting Policy 4.1.12 and renumbering all of the following policies in a sequential order.
- 4.2.6 Section 5: Specific Policy Areas is hereby amended by adding a new subsection as follows:

"5.10 Specific Policy Area No. 32

- 5.10.1 This section sets out Specific Policies for the development of the area identified on Schedule "F" as Specific Policy Area No. 32. This area is designated Residential, Commercial, Open Space and Conservation and Institutional on Schedule "B". The area represents a logical extension of the Urban Area resulting in the establishment of one neighbourhood and the rounding out of one other neighbourhood. A broad mix of uses is provided in order that all supporting uses for neighbourhood development can be accommodated.
- 5.10.2 In order to promote orderly and comprehensive development of the neighbourhood area, no development shall occur until a Secondary Plan has been prepared and adopted by Town Council. Notwithstanding Policy 6.8.2, development proposals may be considered prior to final adoption of the secondary plan (by amendment to this Official Plan), provided that the proposal is in conformity with the secondary plan, as approved by Town Council, and with the existing Official Plan. The Secondary Plan shall address, but shall not be limited to, the following matters:
- i) location and densities of multiple dwellings;
  - ii) application of the objectives of Provincial Policy Statement on Land Use Planning for Housing;
  - iii) provision of a comprehensive parks development plan addressing such issues as parks design, bikeway/walkway routes, landscaping, etc.;
  - iv) provision and location of other uses which are considered necessary to serve the needs of residents such as churches;
  - v) provision of a comprehensive storm drainage master plan;

- vi) provision of erosion and sedimentation control measures to be employed during and after construction, to the satisfaction the Ministry of Natural Resources and the Conservation Authority having jurisdiction; and
- v) sanitary sewer provisions;

**5.10.3** In order to implement the Provincial Land Use Planning for Housing Policy Statement, the Secondary Plan shall ensure that a broad range and mix of residential units are provided in terms of unit size, type and tenure. The range and mix of residential units provided shall be suitable for different income groups, age levels, lifestyles and household structures. The Secondary Plan shall also establish an overall target that at least 25% of all new residential units shall be affordable, as defined in the Land Use Planning for Housing Policy Statement. The approximate housing mix anticipated in the Secondary Plan is:

Low Density	55%
Medium Density	25%
High Density	20%

**5.10.4** No development shall occur on lands abutting Highway No. 403, Highway No. 53 or the Future Highway No. 6 until such time as an acoustical study has been prepared by a qualified professional, and submitted to the Town and Ministry of the Environment for approval. The study shall address noise levels existing and projected, its impact on the proposed development and recommended mitigative measures. The recommendations shall be included in all site plan or subdivision agreements.

**5.10.5** The area identified as Specific Policy Area 32-a, being a parcel of land located on the east side of Shaver Side Road, between Highway No. 2 and Highway No. 53, having a frontage of 30.48 m and an area of approximately 0.445 hectares, may be used for the repair and storage of service station equipment. Specific stringent regulations will be incorporated into the implementing Zoning By-law to protect the existing land uses in the surrounding area.

**5.10.6** The area identified as Specific Area 32-b may be used for a paving contractor's equipment, supplies and storage business.

**5.10.7** The area identified as Specific Policy Area 32-c shall be used for the Future Highway No. 6 interchange.

- 5.10.8 Within the area bounded by Highway No. 403, Shaver Road, Highway No. 53 and Fiddler's Green Road, a community park of approximately 6.5 hectares, a public school having a minimum lot area of 2.5 hectares and a separate elementary school having a minimum lot area of 3.2 hectares, shall be provided.
- 5.10.9 Within the area bounded by Highway No. 403, Future Highway No. 6, Highway No. 53 and Southcote Road, a neighbourhood park of approximately 2.5 hectares shall be provided. "

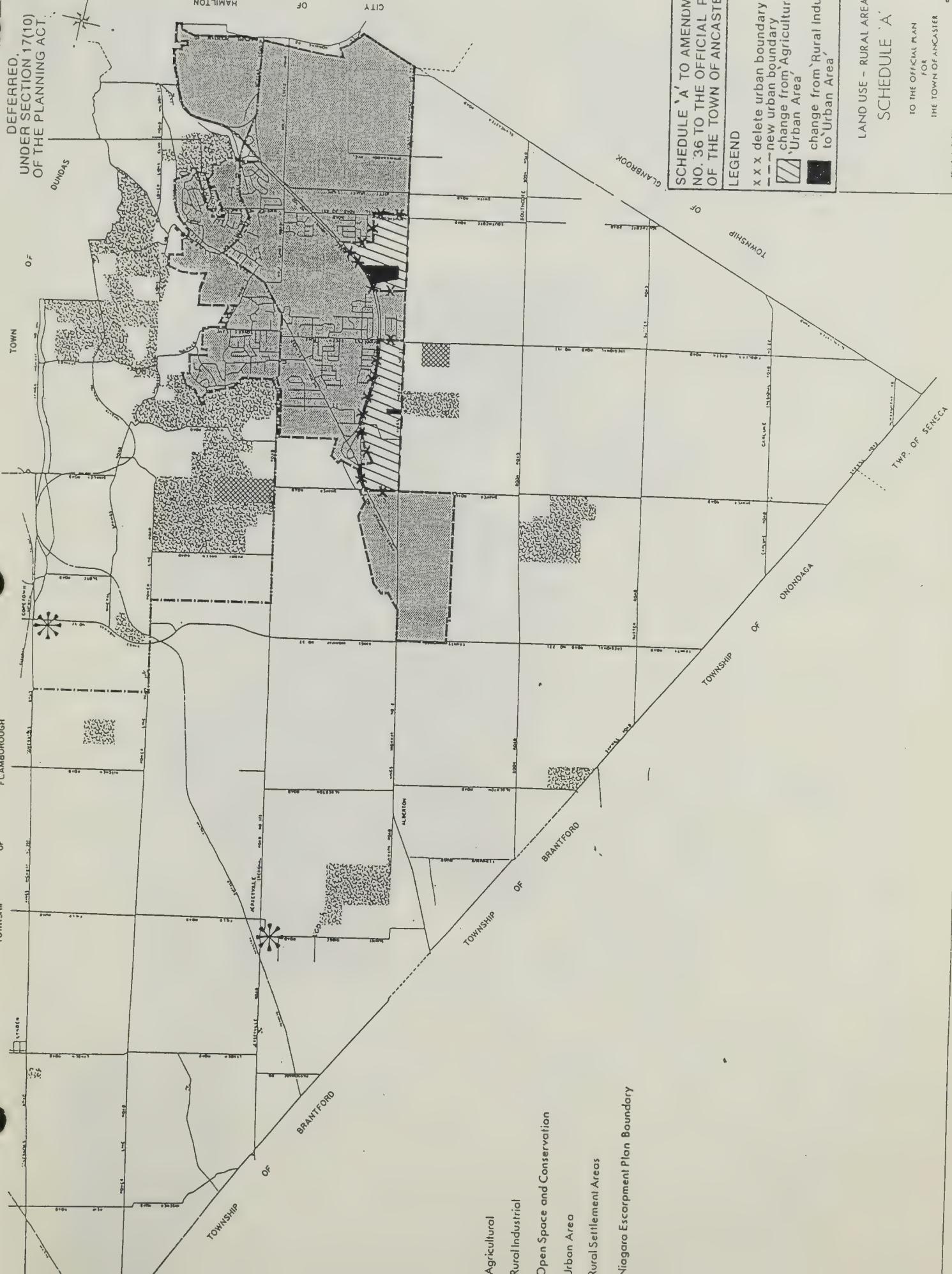
#### 5.0 IMPLEMENTATION

A Secondary Plan, an additional Official Plan Amendment and a Zoning By-law Amendment will give effect to the intended uses on the subject lands.

DEFERRED,  
UNDER SECTION 17(10)  
OF THE PLANNING ACT.

TOWN

TOWNSHIP  
OF  
FLAMBOROUGH



SCHEDULE 'A' TO AMENDMENT  
NO. 36 TO THE OFFICIAL PLAN  
OF THE TOWN OF ANCASTER

LEGEND

- x x delete urban boundary
- - new urban boundary
- / / change from 'Agricultural' to  
'Urban Area'
- change from 'Rural Industrial'  
to 'Urban Area'

LAND USE - RURAL AREA  
SCHEDULE 'A'

TO THE OFFICIAL PLAN  
FOR  
THE TOWN OF ANCASTER  
ON  
Scale 1:25,000

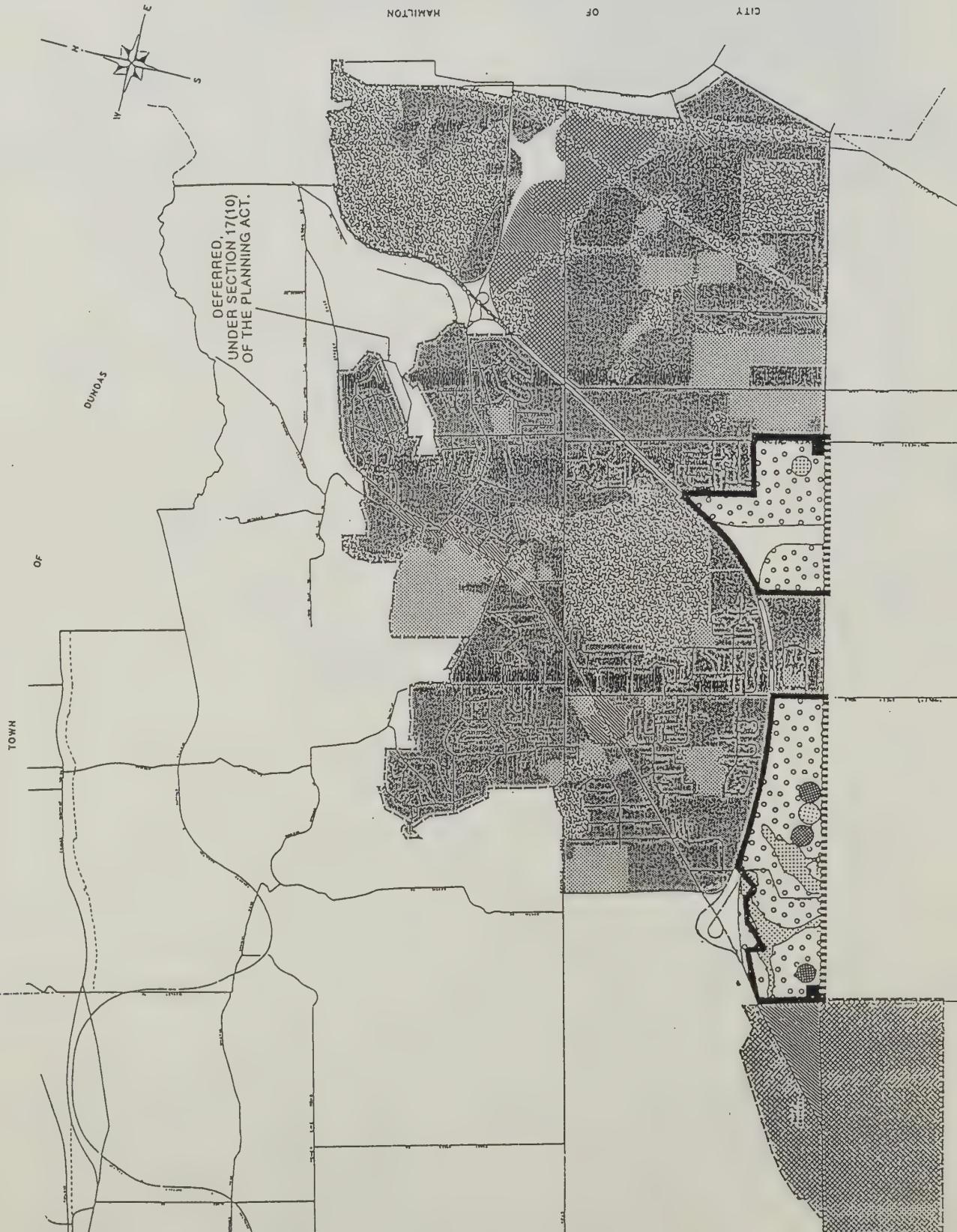
SCHEDULE 'B' TO  
AMENDMENT NO. 36 TO  
THE OFFICIAL PLAN OF  
THE TOWN OF ANCASTER

LEGEND  
CHANGE TO:

- RESIDENTIAL
- COMMERCIAL
- INSTITUTIONAL
- OPEN SPACE AND CONSERVATION
- DELETE URBAN AREA BOUNDARY
- ADD URBAN AREA BOUNDARY

- Legend
- Residential
  - Commercial
  - Industrial
  - Intitutional
  - Open Space and Conservation
  - Urban Area Boundary

LAND USE - URBAN AREA  
SCHEDULE 'B'  
TO THE OFFICIAL PLAN  
FOR  
THE TOWN OF ANCASTER



### Legend

#### Specific Policy Areas:

- Area 1 - refer to subsection 5.4
- Area 2 - refer to subsection 5.5
- Area 3 - refer to subsection 5.6
  - 3-a refer to Policy 5.6.2
  - 3-b refer to Policy 5.6.2
  - 3-c refer to Policy 5.6.11
  - 3-d refer to Policy 5.6.12
  - 3-e refer to Policy 5.6.14
  - 3-f refer to Policy 5.6.15
  - 3-g refer to Policy 5.6.16
  - 3-h refer to Policy 5.6.17
  - 3-i refer to Policy 5.6.19
  - 3-j refer to Policy 5.6.20

Area 4 - refer to Policy 5.7.1

Area 5 - refer to Policy 5.7.2

Area 6 - refer to Policy 5.7.3

Area 7 - refer to Policy 5.7.4

Area 8 - refer to Policy 5.7.5

Area 9 - refer to Policy 5.7.6

Area 10 - refer to Policy 5.7.7

Area 11 - refer to Policy 5.7.8

Area 12 - refer to Policy 5.7.9

Area 13 - refer to Policy 5.7.10

Area 14 - refer to Policy 5.7.11

Area 15 - refer to Policy 5.7.12

Area 16 - refer to Policy 5.7.14

Area 17 - refer to Policy 5.7.16

Area 18 - refer to Policy 5.7.16

Area 19 - refer to Policy 5.7.16

Area 20 - refer to Policy 5.7.17

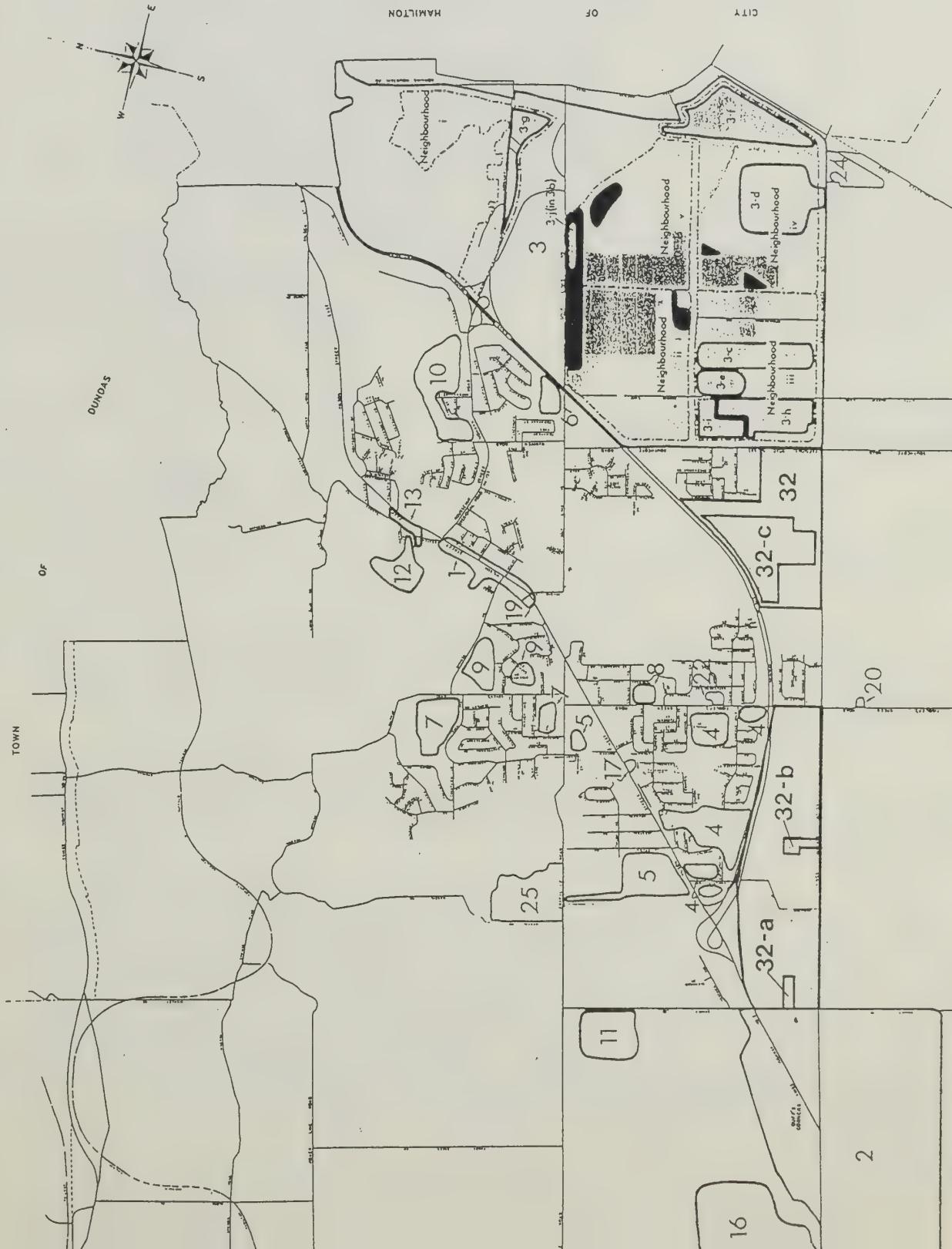
Area 22 - refer to Policy 5.7.19

Area 24 - refer to Policy 5.7.21

Area 25 - refer to Policy 5.7.22

Policy Area boundaries

Neighbourhood Area Boundaries



### SCHEDULE 'C' TO AMENDMENT NO. 36 TO THE OFFICIAL PLAN OF THE TOWN OF ANCASTER

LEGEND  
SPECIFIC POLICY AREAS:  
AREA 32 - REFER TO POLICY 5-10  
AREA 32-a - REFER TO POLICY 5-10-5  
AREA 32-b - REFER TO POLICY 5-10-6  
AREA 32-c - REFER TO POLICY 5-10-7

### SPECIFIC POLICY AREAS SCHEDULE 'F'

TO THE OFFICIAL PLAN  
FOR  
THE TOWN OF ANCASTER  
Dated: May 14, 2009



## THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering  
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

## "APPENDIX 2"

RECEIVED

JAN 17 1990

ENGINEERING  
DEPARTMENT

ID# Darlene

January 15, 1990

Town of Ancaster  
300 Wilson Street East  
Ancaster, Ontario  
L9G 2B9

Att: Mr. P. Smeltzer  
Town Engineer

Official Plan Amendment  
Expansion to the Urban Boundary

Gentlemen:

The following are our comments in reply to your letter of October 25, 1989.

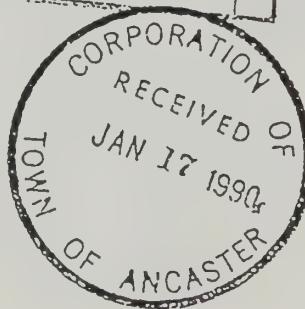
There are no special costs or difficulties associated with the proposed urban boundaries from the viewpoint of the water system or transportation. Any details which may be required in the actual official plan amendment can be dealt with at a later date.

Area 2B, i.e. the land between Fiddlers Green Road and Southcote Road, can also be provided with sanitary sewer service and, therefore, Department of Engineering has no objection to the redesignation of the land to urban.

Most of Area 1 drains naturally to the Creek running westerly into the industrial area. This land should, in our opinion, be developed after the land bounded by future Highway No. 403 - Shaver Road - Wilson Street - Highway No. 53 has developed. As this development is some years away, the designation of these lands would not produce any housing in the near future except for a small area which can be drained by gravity to the existing system. The servicing of the entire area 1 would require a temporary sanitary sewage pumping station which could cost approximately two million dollars.

Cont'd .....

TO: _____		DATE: _____
Attention of Your File to		
TOWN ENG.	SR. ENG. TECH.	RETURN TO FILE
JR. ENG. TECH.	ENG. INSPECTOR	SEE ME PLEASE
PLANNING	GUILDING	FOR YOUR REQUEST
TREASURER	CLERK	NOTICE & REPORT
ROADS	OTHER	TAKE UP ACTION
		PLEASE NOTE

E202-08  
K. Brenner

-Page 2-  
January 15, 1990

Official Plan Amendment  
Expansion to the Urban Boundary

Cont'd .....

Area 2A drains naturally towards the south. This area, except for a small area at the west, i.e. adjacent to Fiddlers Green Road, would require a sanitary sewage pumping station at a possible cost of two million dollars.

It is our opinion that the Town and the Region should review the future land use in Concession 4 from Lot 37 to Lot 54 before approving areas 1 and 2A, as certain lands in this concession can be serviced more economically than the proposed lands.

However, should the Town feel that areas 1 and 2A have to be approved, then we recommend that the planning reasons for choosing these lands be sent to the Region for review by Regional Council. The documents sent to us with your letter of October 25 do not give any of the reasons for redesignating areas 1 and 2A.



E. M. Gill, P. Eng.  
Acting Commissioner of Engineering

KB/dh  
Attach.

\*\*\*\*\*  
**CITY COUNCIL**

\*\*\*\*\*  
**JANUARY 29, 1991**  
\*\*\*\*\*

28. That the City Clerk be directed to advise the Regional Municipality of Hamilton-Wentworth that the Town of Ancaster's request to amend the Region's Official Plan, to extend the Town's urban area boundary, has no impact on the planning intentions of the City of Hamilton.

NOTE: The Regional Municipality of Hamilton-Wentworth has requested the City of Hamilton's comments, amongst others, on a request by the Town of Ancaster to amend the Region's Official Plan to extend the Town's urban area boundaries.

# CITY OF HAMILTON

## - RECOMMENDATION -

Q.

**DATE:** June 11, 1991

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

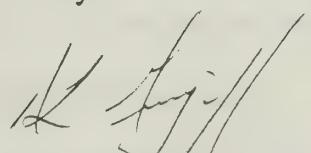
Parkland Acquisition and Development - Revenue Producing Strategies.

### **RECOMMENDATION:**

- 1) That the attached information regarding revenue producing strategies for parkland acquisition, be forwarded to the Parks and Recreation Committee for assignment to the Consultant who will be undertaking the Parks Masterplan Study.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A. L. Georgieff, M.C.I.P.  
Director of Local Planning

### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

### **BACKGROUND:**

On March 28, 1991, the Parks and Recreation Committee made the following recommendation:

- (a) *"That the Planning and Development Committee be requested to investigate the potentials for implementing additional revenue producing strategies for parkland acquisition and development including Provincial and Federal programmes and increasing the standards for parkland dedication, as authorized in the Planning Act."*
- (b) *"That staff be requested to prepare a report within the next two months on this item."*

Section 41(1) of the Planning Act states that a municipality may accept a conveyance of 2% of lands proposed to be developed or redeveloped for commercial or industrial purposes. Alternatively, cash-in-lieu may be accepted as stated in Section 41(b). The Planning Act also allows municipalities to accept a conveyance of one hectare of land for each 300 residential units proposed as an alternative to the 5% residential land or cash-in-lieu dedication (Section 41(3)).

Staff have contacted twenty nearby municipalities to survey revenue producing strategies available under the Planning Act. A summary of results is included as Appendices A and B. In addition, staff tabulated development trends, in commercial and industrial activity since 1982 which will be useful in further analysis (Appendix C).

Concurrent to this work, the Parks Division of the Public Works Department was directed to prepare Terms of Reference for a Parks Masterplan. Part of the Terms of Reference calls for the Consultant selected to conduct a detailed analysis of the City's parkland acquisition and development funding strategies and policies and make recommendations for identifying other potential funding sources.

Specifically, the Parks Masterplan Terms of Reference require the Consultant to do the following:

*"The Consultant shall review and evaluate the City's parkland acquisition strategies and programmes and based upon the inventory analysis and Official Plan standards, prepare long and short range objectives, strategies and priorities for parkland acquisition and sale.*

*The Consultant shall evaluate the City's parkland acquisition and development funding strategies and policies and make recommendations for enhancing existing programmes and implementing additional strategies and policies.*

*This evaluation process shall involve a review of the following:*

- Existing 5% parkland dedication fund and the City of Hamilton Park Expenditure Policies
- Capital Development Charges
- 2% commercial and industrial parkland dedication
- 1 Hectare per 300 dwelling units
- Developer responsibilities for parkland upgrading via subdivision agreements.

*The Consultant shall identify other potential funding sources and opportunities as they relate to parkland acquisition, development and management. This study will include a review of Federal and Provincial programmes and will provide the City with a list of opportunities, contacts and methods to successfully pursue additional revenue sources.*

*Based upon the City's existing and potential funding parameters for parkland development and our existing development commitments, public aspirations and the City's abilities to "follow through", the Consultant shall prepare park development and re-development charges."*

#### **CONCLUSION:**

The additional revenue producing strategies for parkland acquisition will form an integral part of the overall Parks Masterplan.

The information collected by the Planning and Development Department should be forwarded to the Consultant who will be hired to undertake the Parks Masterplan Study.

## APPENDIX A

### RESULTS OF MUNICIPAL SURVEY

<u>Type of Development</u>	<u>Method of Implementing Section 41 of Planning Act</u>	<u>No. of Municipalities Implementing Method</u>	<u>Comments</u>
New Residential Development (Plan of Subdivision)	<ul style="list-style-type: none"> <li>- 5% land or .5 (or 1) ha per 300 units</li> <li>- 5% cash-in-lieu</li> <li>- lot<sup>1</sup></li> <li>- 5% cash-in-lieu based on frontages</li> </ul>	<ul style="list-style-type: none"> <li>8<sup>2</sup></li> <li>10</li> <li>1</li> <li>1</li> </ul>	<ul style="list-style-type: none"> <li>- Brampton may require a lot in subdivision whose value does not exceed 5% value of development.</li> <li>- This lot is then sold at a future date, money put in park fund.</li> <li>- Toronto requires 5% for high and medium development, 2% for low density development.</li> <li>- Waterloo requires cash-in-lieu.</li> </ul>
Residential Land Severances	<ul style="list-style-type: none"> <li>- 5% cash-in-lieu (only applies to new lot, remnant lot is exempt)*</li> </ul>	3	<ul style="list-style-type: none"> <li>- Does not apply to subdivisions.</li> </ul>
Residential Land Redevelopment <sup>*</sup>	<ul style="list-style-type: none"> <li>- 5% land</li> <li>- 5% cash-in-lieu</li> </ul>	<ul style="list-style-type: none"> <li>9</li> <li>9</li> </ul>	<ul style="list-style-type: none"> <li>- only if new unit is created</li> <li>- paid on a per unit basis</li> <li>- alterations that increase usability of site subject to fee</li> <li>- new units replacing equal number of old units are exempt</li> <li>- calculated by proportion of new development to total lot (development)</li> </ul>
New Commercial/Industrial Development	<ul style="list-style-type: none"> <li>- 2% land</li> <li>- 2% cash-in-lieu</li> <li>- combination of land and cash-in-lieu</li> </ul>	<ul style="list-style-type: none"> <li>9</li> <li>9</li> </ul>	<ul style="list-style-type: none"> <li>- Etobicoke exempts site smaller or equal to 1/2 acre</li> <li>- Burlington requires cash unless otherwise specified</li> <li>- Toronto excludes industrial development</li> </ul>

Type of Development	Method of Implementing Section 41 of Planning Act	No. of Municipalities Implementing Method
Commercial/Industrial	- 2% land	8
Redevelopment	- 2% cash-in-lieu	9

**No. of Municipalities  
Implementing Method**

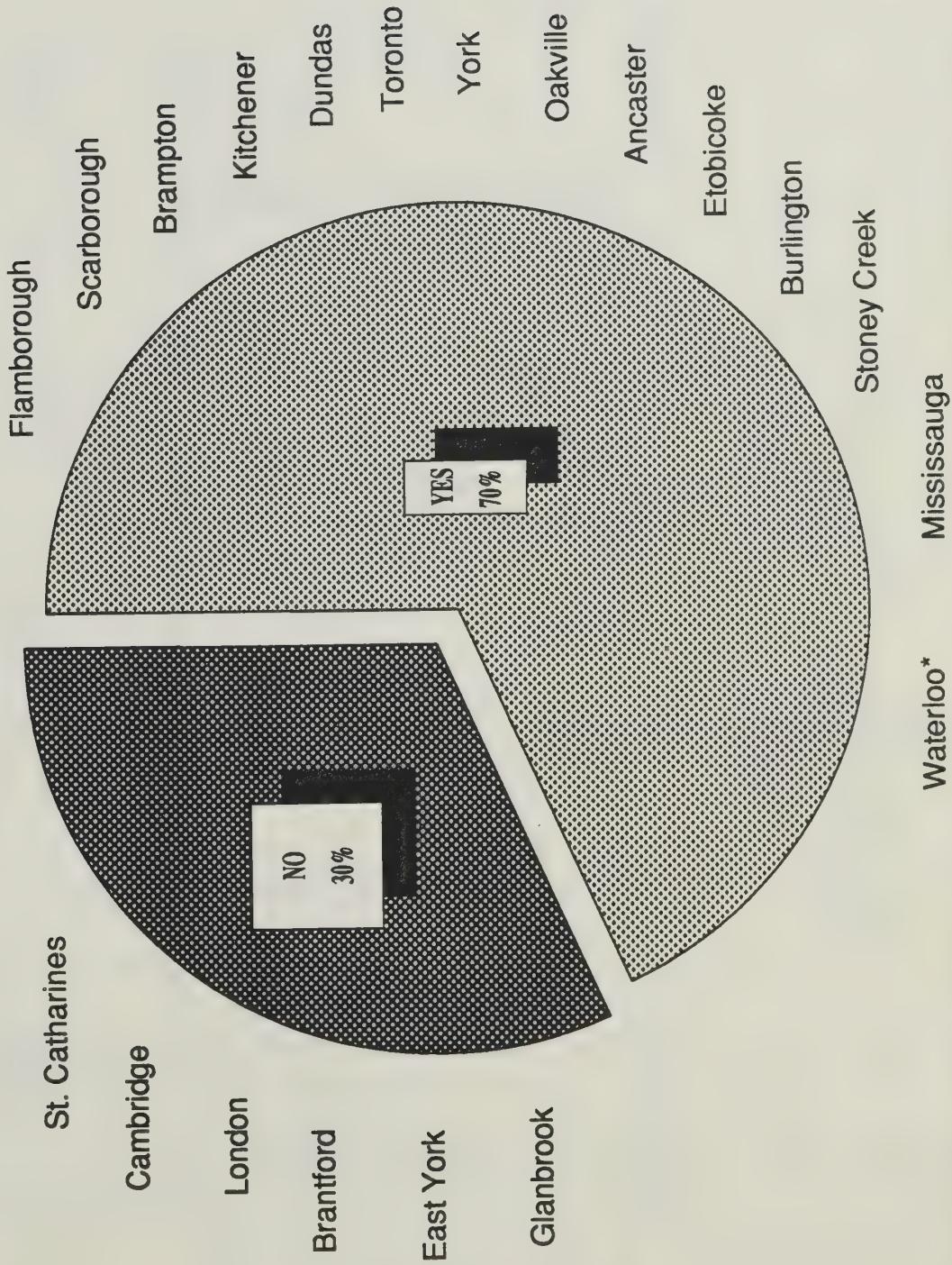
**Method of Implementing  
Section 41 of Planning Act**

- |   | Comments  |
|---|---|
| - | calculated as <u>new GFA</u> = <u>Portion of site for 2%</u><br><u>Total GFA</u> <u>Total site</u>  |
| - | additions less than 10,000 sq. ft. (929 m <sup>2</sup> ) G.F.A.<br>exempt (Etobicoke)   |
| - | additions less than 200 m <sup>2</sup> G.F.A. exempt<br>(Toronto)   |
| - | alterations that change the usability of a building<br>are subject to 2%.   |
| - | cash-in-lieu for additions is based on area four<br>times added floor space (Waterloo)  |
| - | payment for alterations only when there has been<br>no previous parkland dedication (Waterloo)  |
| - | Waterloo requires a park to be fully developed<br>before ownership is transferred to City. There is<br>a cash-in-lieu of Parkland dedication levy if<br>developer pays cash-in-lieu of parkland<br>only part of addition that is new (extra GFA) is<br>subject to 2%. |

**Note:** The following ten municipalities were sampled:  
Brampton, Waterloo, Toronto, Flamborough,  
Scarborough, Burlington, Etobicoke, Dundas,  
Stoney Creek and Ancaster.

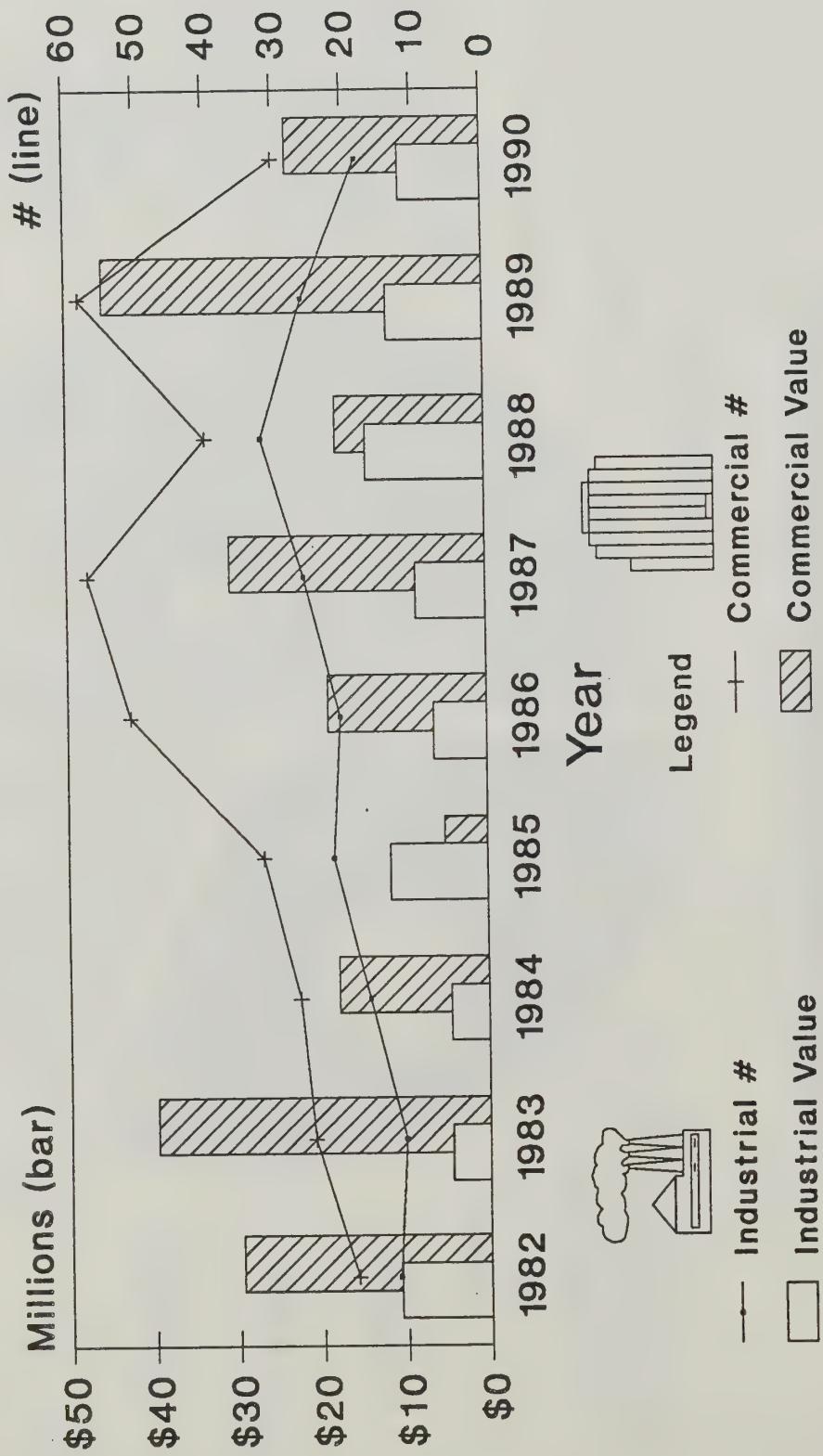
**APPENDIX B**

**Does Municipality Implement 2% Dedication of Land and/or  
Cash-in-Lieu for (Re)Development of Commercial / Industrial Lands?**



\* will implement upon improvements in economic conditions

# Building Permits 1982 - 1990



Source: City of Hamilton Building Dept.

10.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** June 12, 1991  
DA-91-21  
Strathcona Neighbourhood

**REPORT TO:** Susan Reeder , Secretary  
The Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Site Plan Control Application DA-91-21 for renovations to the existing Tim Horton Donuts at 435 York Boulevard.

**RECOMMENDATION:**

That approval be given to Site Plan Control Application DA-91-21 by Tim Donut Ltd., owner, of lands known as 435 York Boulevard for renovations to the existing Tim Horton Donuts subject to the following:

- i) modification to the plan in relation to notes and dimensions as marked in red on the plan;
- ii) approval by the Committee of Adjustment for the following variances:
  1. to permit a 0.572 m minimum yard adjacent to York Boulevard instead of the required 3.0 m minimum yard;
  2. to delete the requirement for a canopy as a protective structure along York Boulevard; and,

- iii) submission of a revised site and landscape plan incorporating additional landscape and pedestrian lighting, in the spirit of the York Boulevard design guidelines, to the satisfaction of the Director of Local Planning, Planning and Development Department.

**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department

**A. L. Georgieff, M.C.I.P.**  
Director of Local Planning

#### **BACKGROUND:**

Plans have been submitted for renovation to the existing Tim Horton Donuts at 435 York Boulevard. The details of the development are as follows:

• Net Lot Area	-	1009.1 m <sup>2</sup>
• Gross Floor Area	-	196.0 m <sup>2</sup>
• Building Height	-	4.29 m one (1) storeys
• No. of Parking Spaces Provided	-	19 (existing)
• Landscape Area	-	209.8 m <sup>2</sup>
• Exterior Building Materials	-	Brick Veneer, Prefinished Metal Fascia, Glazing and Illuminated Letters

#### **COMMENTS RECEIVED**

The Hamilton-Wentworth Engineering Department has advised that the grading plan dated February 2, 1991 is satisfactory with respect to grading.

The Building Department has reviewed the plans submitted and has forwarded the following comments:

- "1. The 3.0 m yard adjacent to York Boulevard has not been provided.
2. The canopy as a protective structure has not been provided.
3. The uncovered porch and steps shall be 1.5 m from the street line."

The Traffic Department has reviewed the plans submitted and has no comment.

The Hamilton Street Railway has reviewed the application and is not opposed to the application.

## COMMENTS

Various modifications are required to the plan in relation to notes and dimensions and have been marked in red on the plans.

With respect to the comments made by the Building Department the applicant/agent has forwarded the attached response and has requested variances to the zoning by-law.

As indicated in the applicant's letter, it is their desire to renovate the site to provide a more modern and attractive appearance for the building. This undertaking necessitates a variance to reduce the front yard setback to 0.572 m minimum along York Boulevard, instead of the required 3.0 m minimum setback, since this area on the north side of the building is the only area available for expansion. This reduction will allow for the construction of a sunroom type structure which will allow a larger customer service area and accommodate additional seating.

A further variance is necessary to eliminate the existing canopy structure along York Boulevard which is presently in a state of disrepair and has a dated appearance. By-law 76-233 requires a protective structure in the form of a canopy or building overhang to be provided along the street lot line. In place of the canopy, the applicant has agreed to provide additional landscape treatment, and to review sculptural elements in the spirit of the York Boulevard design guidelines, within the first 3.0 meters of the property. This will suggest a continuous linear element along the street line primarily in the form of a tree line and enhancement by structural elements such as lights.

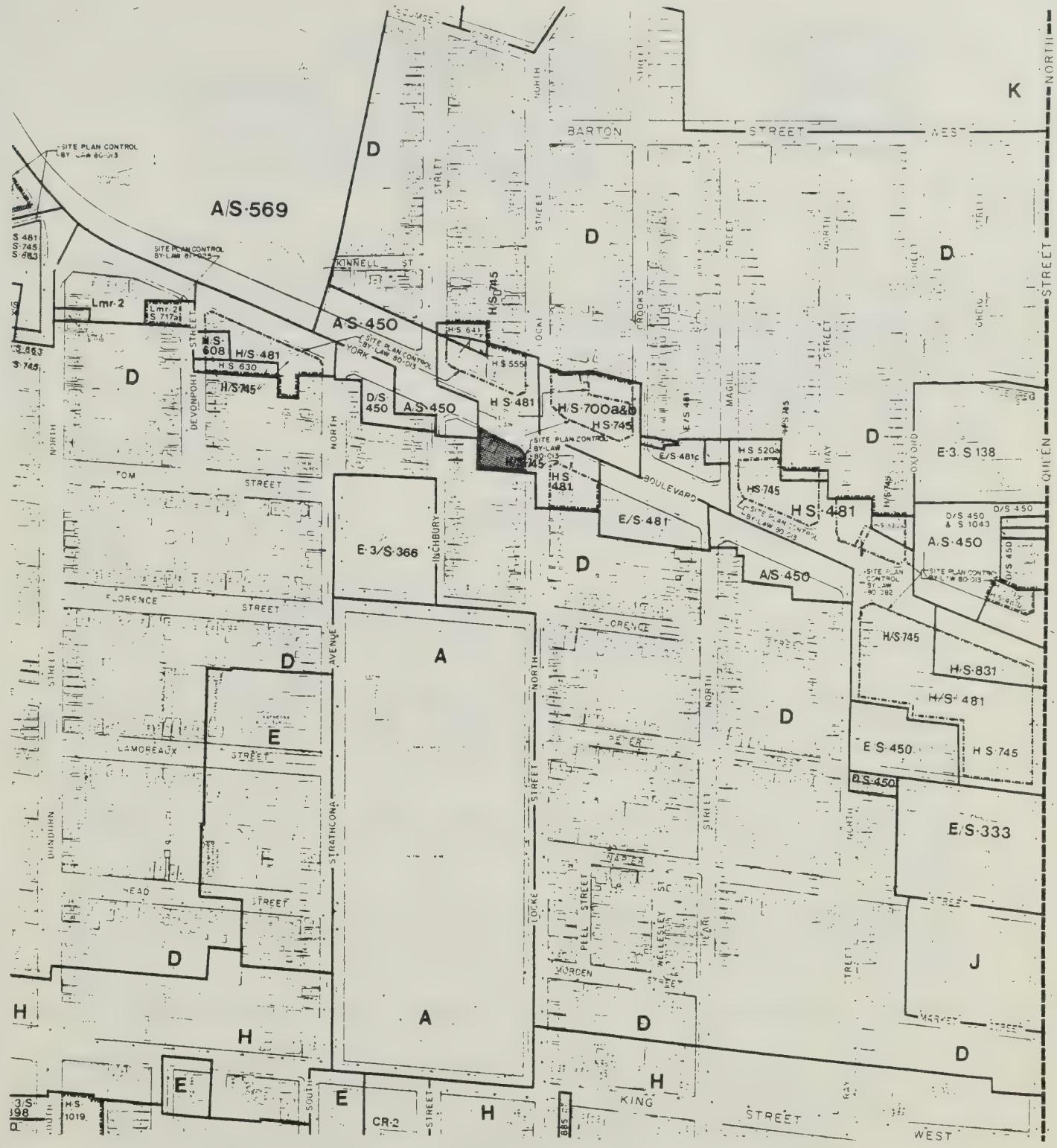
Taking into consideration that a majority of this development is to remain unchanged (ie., parking, grading and landscape area), which restricts the area available for expansion, and the applicants desire to improve the appearance of the site, the proposed variances are considered minor in nature and can be supported. The applicant has submitted an application A-91:120, to the Committee of Adjustment for consideration.

Furthermore, the landscape plan submitted does not clearly define existing and proposed landscaping. Additional landscaping should also be provided within the landscape area adjacent to the north-west wall. This area gives a "first impression" of the development and an entrance to the city for people entering the City of Hamilton along York Boulevard. The applicant has discussed the concept with staff and is agreeable to provide a revised landscape treatment and provision of pedestrian lighting.

Therefore, as a condition of approval, a revised site and landscape plan which incorporates additional landscape and light standards, in the spirit of the York Boulevard design guidelines, should be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.

It should be noted that the applicant has contacted the H.S.R. to discuss the removal of the canopy which has served as a bus shelter at this location. In light of the applicant's redevelopment plans, the H.S.R. has indicated that they are not opposed to its removal and have agreed to it being replaced with a modern bus shelter.

JL/ma  
WPDA9121



**City of Hamilton  
Plan Showing  
Lands Subject to  
Site Plan Control  
Application DA-91-21**

# **Regional Municipality of Hamilton-Wentworth Planning and Development Department**

### Legend



### **Site of the Application**

	<b>Scale</b> <b>NOT TO SCALE</b>	<b>Reference File No.</b> <b>DA - 91 - 21</b>
	<b>Date</b> <b>MARCH 1, 1991</b>	<b>Drawn By</b> <b>R.L.</b>



# Tim Horton DONUTS

OPERATED BY: TIM DONUT LIMITED

874 SINCLAIR ROAD, OAKVILLE, ONTARIO L6K 2Y1  
(416) 845-6511 FAX (416) 845-0265

June 10, 1991

ORIGINAL BY COURIER

The Regional Municipality  
of Hamilton Wentworth  
Planning & Development Department  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

AG

✓

Attention: A. L. Georgieff  
Director, Local Planning

VIM

JPS

✓  
JH

Dear Sir:

Re: Site Plan Application DA 91-21  
435 York Blvd., Hamilton, Ontario

This letter is to confirm several points which have been discussed with members of your staff, and to thank you for the assistance which they have provided to us in finalizing this development.

As you may be aware, Adele Malo and I met with Mr. John Sakala, Mr. Joe Lacatosh and Mr. Vladimir Matus on Tuesday, June 4, 1991.

We discussed several methods of improving the proposed development to maintain the corridor effect intended for York Blvd.

Please be assured that we will proceed with the following items:

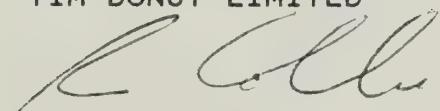
- 1) Tim Donut Limited will be proposing further landscaping upgrade to the York Blvd. frontage.
- 2) We will provide a proposal for your review of pedestrian lighting along the York Blvd. frontage. We do have reservations about the practicality of maintaining these fixtures due to the high level of vandalism we have experienced at this location.

Page 2

- 3) The pylon sign and it's supporting structure will be redesigned such that it complements the proposed new construction.

Thank you.

Yours truly,  
TIM DONUT LIMITED



R.D. Collie  
Development Co-ordinator

RDC/dj

cc: John Sakala



# Tim Horton DONUTS

OPERATED BY: TIM DONUT LIMITED

874 SINCLAIR ROAD, OAKVILLE, ONTARIO L6K 2Y1  
(416) 845-6511 FAX (416) 845-0265

May 10, 1991

The Regional Municipality  
of Hamilton Wentworth  
Planning & Development Department  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Attention: A. L. Georgieff  
Director, Local Planning

Dear Sir:

Re: Site Plan Application - DA 91-21  
435 York Blvd., Hamilton, Ontario

In response to your letter of April 15, 1991, please find attached four (4) sets of revised plans for the above-noted application.

With regard to the comments of the various departments to which these plans have been circulated, please accept the following:

Building Department: Letter of April 10, 1991

As you are aware, it is our intent to apply for a minor variance to alleviate the issues of the front yard setback and the removal of the existing structural canopy. We are proposing a front yard setback of 0.57m to allow construction of a greenhouse addition. We have revised the plans to provide a 1.5m setback to the steps and uncovered porch.

Our desire is to renovate this site to provide a more modern and attractive appearance for the building at this important entrance into Hamilton.

The design not only accomplishes the above, but due to interior improvements, will enable service to be quicker, thus helping to improve the efficiency of our parking lot. The expansion is possible only in a northerly direction, as any other method would reduce and or restrict parking which is critical to our business.

Engineering Department: Letter of March 18, 1991

- Grading approved. OK
- No road widening. OK
- No encroachments are required. OK
- The existing brick screen wall is to be maintained with the exception of a small modification to allow passage of wheelchairs.  
We trust this will be acceptable within the confines of Agreement Inst. No.112035 CD.
- Access is unchanged. OK

Hamilton Street Railway Letter of March 4, 1991

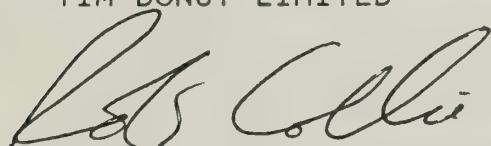
- Not opposed. OK
- Please note that we discussed the removal of the canopy and it's replacement with a modern bus shelter with Mr. Douglas Rieger of the H.S.R.C. in November 1990. He was supportive of the proposal. He felt it would be more functional and a more attractive facility for pedestrians, transit users and our customers alike.

Traffic Services: Letter of March 4, 1991

- No comment. OK

Thank you for your assistance in these matters.

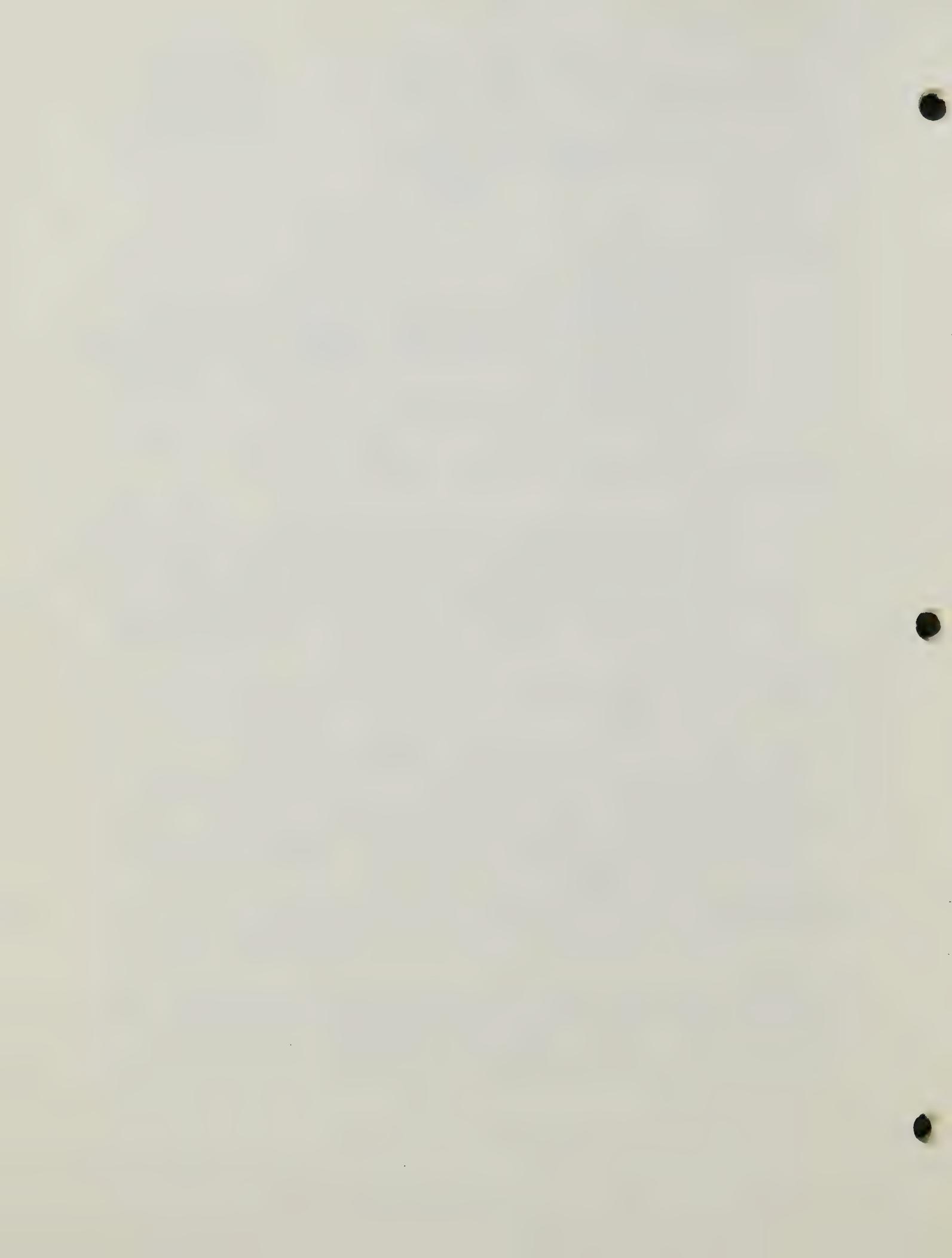
Yours truly,  
TIM DONUT LIMITED



R. D. Collie, P. Eng.  
Development Co-ordinator

RDC/dj

Encls.



## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** May 30, 1991  
ZA-91-30  
Kentley Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for changes in zoning - lands on the east and west sides of Fairington Crescent and south of Eastgate Court.

**RECOMMENDATION:**

That approval be given to Zoning Application 91-30, Landmart Building Corporation, owners, for changes in zoning from "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District (Blocks "2" and "3"), to permit development for single-family dwellings, for property located on the east and west sides of Fairington Crescent and south of Eastgate Court, shown as Blocks "1", "2" and "3" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;
- ii) That Blocks "2" and "3" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "L-r" (Planned Development - Low Density Residential) District to "C" (Urban Protected Residential, etc.) District;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-104 for presentation to City Council;
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

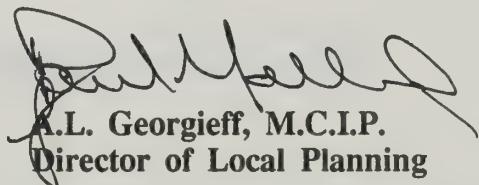
The purpose of the By-law is to provide for changes in zoning of lands on the east and west sides of Fairington Crescent and south of Eastgate Court, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - From: "L-r" (Planned Development - Low Density Residential) District  
 To: "C" (Urban Protected Residential, etc.) District

Blocks "2"  
 & "3" - From: "L-mr-1" (Planned Development-Multiple Residential) District  
 To: "C" (Urban Protected Residential, etc.) District

The effect of the By-law is to permit development of the subject lands for single-family dwellings.

**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



A.L. Georgieff, M.C.I.P.  
 Director of Local Planning

#### ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

#### ***BACKGROUND:***

##### **Rezoning Application:**

The purpose of the proposed changes in zoning is to permit development of the subject lands for single-family detached dwellings.

##### **Subdivision Application:**

On January 22, 1990 Regional Council draft approved Subdivision Application 25T-89020 (Eastgate Heights Extension) permitting the subdivision of the subject lands into 6 building lots and 6 blocks for future development with adjoining lands, and providing for the future extension of Village Drive and Fairington Crescent (see APPENDIX "B").

#### ***APPLICANT:***

Landmart Building Corporation, owner.

#### ***LOT SIZE AND AREA:***

A parcel of vacant land having future access to both Fairington Crescent and Village Drive (20.0 m - 66.0 ft.); and having a lot area of 0.552 ha (1.35 ac.).

## LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"L-r" (Planned Development - Low Density Residential) District and "L-mr-1" (Planned Development - Multiple Residential) District
<u>Surrounding Lands</u>		
to the north	vacant	"C" (Urban Protected Residential, etc.) District
to the south	vacant	"C" (Urban Protected Residential, etc.) District
to the east	commercial	"HH" (Restricted Community Shopping and Commercial) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

## OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept plan of the Official Plan, and subject to, among others, the following policies:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The proposal complies with the intent of the Official Plan.

## NEIGHBOURHOOD PLAN:

Designated for "SINGLE and DOUBLE" residential use on the approved Kentley Neighbourhood Plan, the proposal complies.

## COMMENTS RECEIVED:

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are both public watermains and separate storm and sanitary sewers available to service these lands.

All internal servicing matters including road requirements will be dealt with under the draft plan of subdivision.

In the absence of any details shown, we advise that any works within the road allowance must conform to the City of Hamilton Streets By-law. Comments from the City Traffic Department should be considered."

## COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Kentley Neighbourhood Plan which designates the subject lands for "SINGLE and DOUBLE" residential use.
3. The application has merit and can be supported for the following reasons:
  - It implements the intent of both the Official Plan and the approved Kentley Neighbourhood Plan;
  - It would be compatible with existing and proposed single-family development in the surrounding area;
  - It will complete the land use development pattern in this area by providing for the extension of both Village Road and Fairington Crescent;
  - The requested change in zoning ("C" District) would be appropriate for the proposed development;

- The established "L-r" and "L-mr-1" zoning on the subject lands function as holding zones which permit rezoning to specific zoning districts. In this regard, all of the designated districts would allow for single-family development.

Technically, Blocks "2" and "3" will have to be rezoned to "L-r" then "C", as the "L-mr-1" District does not identify the "C" District as a designated district for rezoning.

4. Regarding the proposed plan of subdivision (Eastgate Heights Extension) 25T-89020, it should be noted that it was draft approved by Regional Council on January 22, 1990. This rezoning will satisfy one of the conditions of subdivision approval.

## **CONCLUSION:**

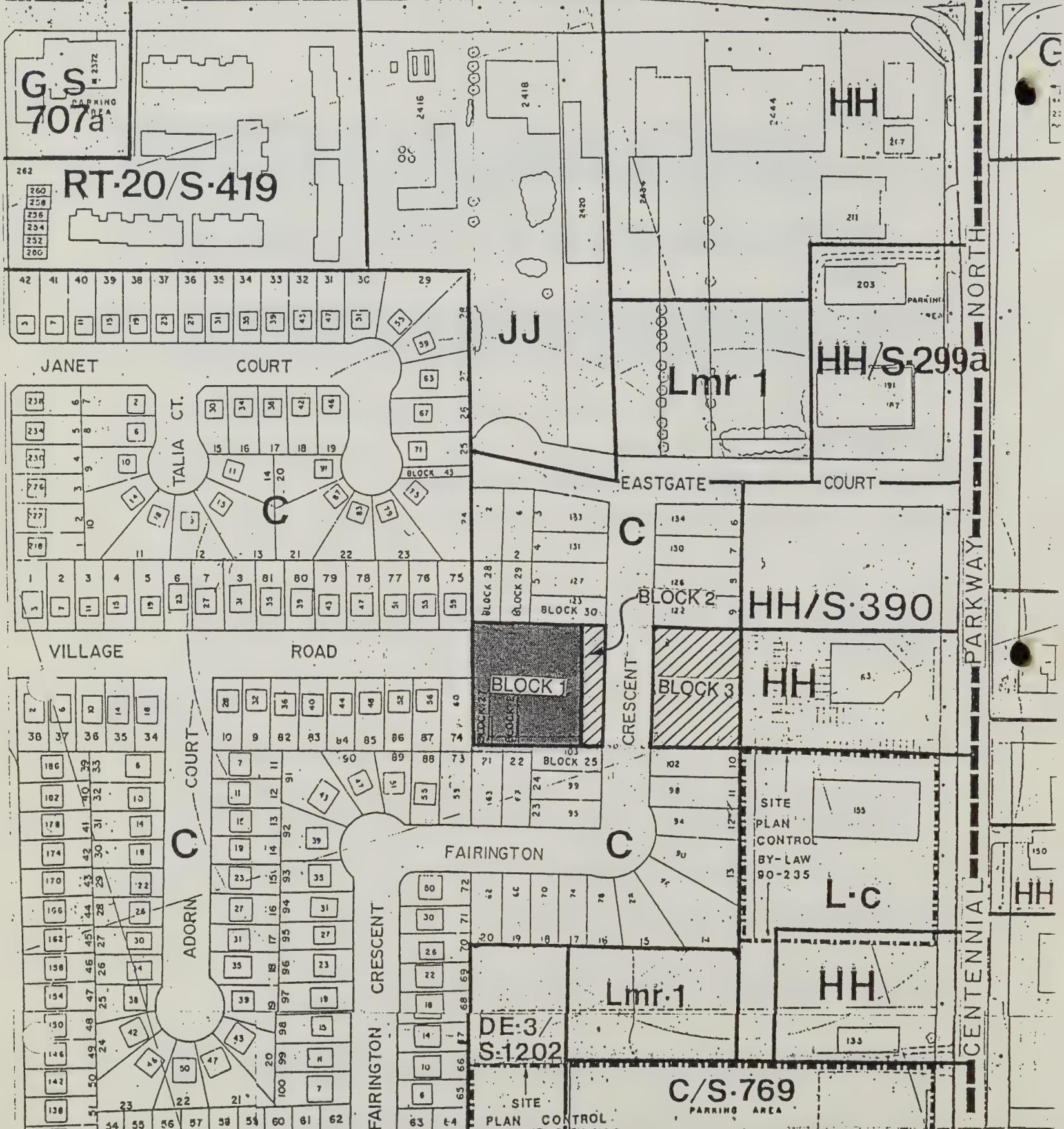
On the basis of the foregoing, the application can be supported.

GAW/ma  
WPZA9130

BARTON

STREET

EAST



## Legend

**PROPOSED CHANGES IN ZONING FROM:**

BLOCK 1



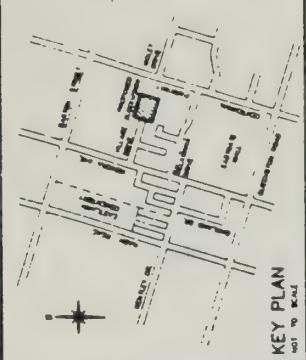
**"L-r" (Planned Development-Low Density Residential) District to  
"C" (Urban Protected Residential, etc.) District.**

BLOCKS  
2 8 3



"L-mr-1" (Planned Development- Multiple Residential) District to "C" (Urban Protected Residential, etc.) District.

## **APPENDIX A**



KEY PLAN

METRIC NOTE

METRIC NOTE  
DISTANCES BROKEN ON THIS PLAN ARE IN METRES AND CAN BE COMPARED TO NO. 971  
AS A POINT OF REFERENCE.

UNE 8, 1961

**OWNER'S CERTIFICATE**

In accordance with the Subdivision Act and the Building and Safety  
Act, I hereby certify that the building described below is in good  
condition and safe for habitation.

July 2<sup>nd</sup>, 1919

CLIPWEEVLES, CERATE

SCHEDULE : RE : SECTION 50(2)	
<p style="text-align: center;"><i>[Handwritten signature]</i></p> <p><i>10/10/07</i></p>	
<p>G. Bhatnagar, et al.</p> <p>D. K. Chakrabarti</p> <p>A. S. Venkateswaran</p> <p>S. R. Srinivasan</p> <p>M. S. Srinivasan</p>	

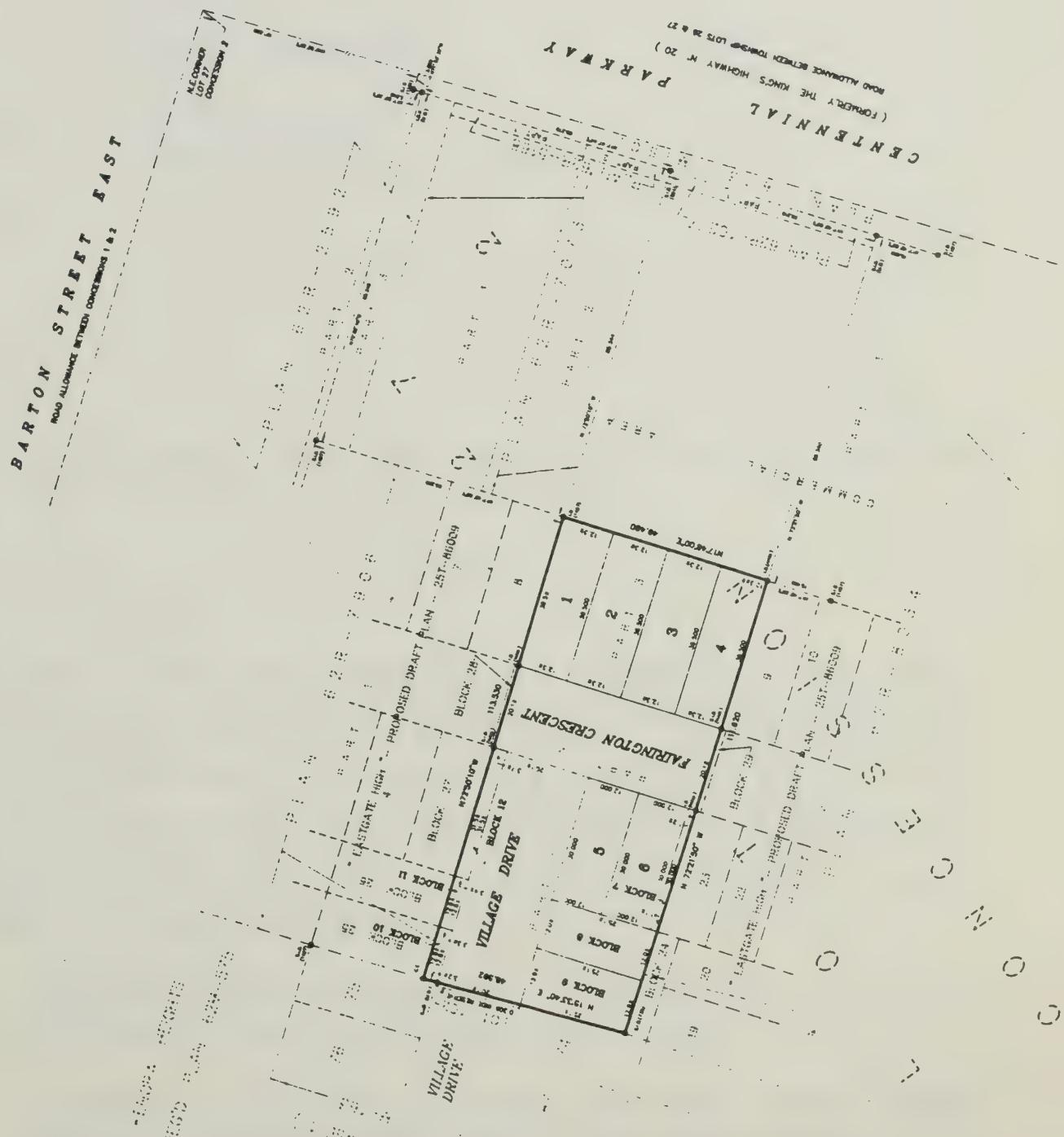
**DRAFT PLAN OF  
EASTGATE HEIGHTS EXTENSION**

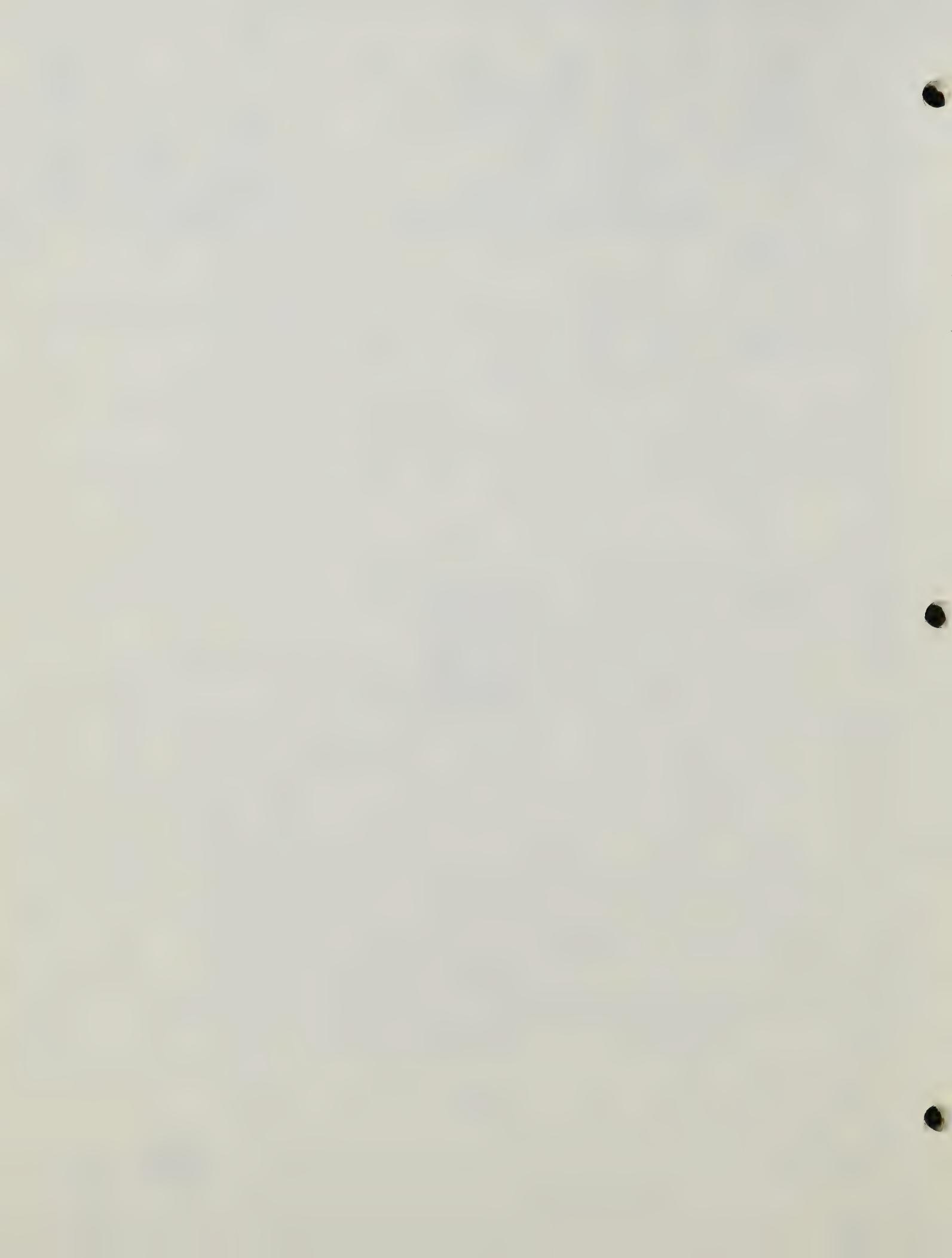
BEING A PROPOSED SUBDIVISION  
BY THE CITY OF TORONTO

LOT 27 • CONCESSION 2  
FORMERLY IN THE  
TOWNSHIP OF SALTLEET  
NOW IN THE  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON

**JOHN P. NOUWENS , O.L.S. - 1989.**

**ASHENHURST NOUWENS LIMITED**  
 Professional Engineers & Ontario Land Surveyors  
 201 318 YORK ST., P.O. 363  
 BRANCH OFFICE  
 15A KING STREET EAST  
 GALT, ONTARIO N1K 1A1  
 (519) 885-5310  
 (519) 885-5311





12.

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** May 31, 1991  
CI-89-G  
Grayside Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

City Initiative for changes in zoning - lands located in the area east of Lake Avenue North, between Barton Street East and the Queen Elizabeth Way.

**RECOMMENDATION:**

That approval be given to City Initiative 89-G, City of Hamilton, owner, for changes in zoning from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District (Blocks "1" and "2"), and from "KK" (Restricted Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District (Blocks "3", "4" and "5"), to establish the appropriate zoning district for public open space, for City owned lands located in the area east of Lake Avenue North, between Barton Street East and the Queen Elizabeth Way, shown as Blocks "1", "2", "3", "4" and "5" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Blocks "1" and "2" be rezoned from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District;
- ii) That Blocks "3", "4" and "5" be rezoned from "KK" (Restricted Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District;

- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-113, E-122 and E-123 for presentation to City Council;
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

#### **EXPLANATORY NOTE:**

The purpose of the By-law is to provide for changes in zoning for City owned properties located in the area east of Lake Avenue North, between Barton Street East and the Queen Elizabeth Way, shown as Blocks "1", "2", "3" "4" and "5" on the attached map marked as APPENDIX "A", on the following basis:

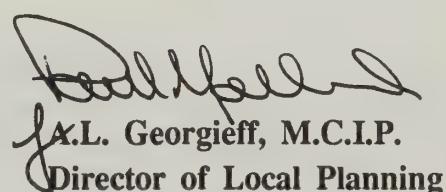
Blocks "1" and "2" - Change from "JJ" (Restricted Light Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District;

Blocks "3", "4" and "5" - Change from "KK" (Restricted Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District.

The effect of the By-law is to establish the appropriate zoning district for public open space.



**J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department**



**J.A.L. Georgieff, M.C.I.P.  
Director of Local Planning**

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## **BACKGROUND:**

### Current Proposal:

The Planning and Development Committee has directed that as a City Initiative the Planning and Development Department rezone City owned lands within the Stoney Creek Ravine from "KK" District to "A" District (see APPENDIX "B"). The purpose of the proposed zoning change is to establish the appropriate zone for public open space. It should be noted from the attached map marked as APPENDIX "A" that the valley lands are situated within two zoning districts, "KK" (Restricted Heavy Industrial) District and "JJ" (Restricted Light Industrial) District, and the rezoning has been processed accordingly on this basis.

### Previous Rezoning:

On December 10, 1985, City Council passed By-law No. 86-24 which provided for changes in zoning to "A" (Conservation, Open Space, Park and Recreation) District for City owned lands within the valley of Stoney Creek, in the area between the City limits (north of Queenston Road) to Barton Street East.

## **LOT SIZE AND AREA:**

Irregular shaped parcels of land within the Stoney Creek Ravine having a total combined area of approximately 10.88 ha (26.8 ac.).

## **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District
<u>Surrounding Lands</u>		
<u>Blocks "2" &amp; "3"</u>		
to the north	CN Rail line and a hydro power line corridor	"KK" (Restricted Heavy Industrial) District

to the south	vacant lands and a H.S.R. power substation	"A" (Conservation, Open Space, Park and Recreation) District
to the east	industrial	"JJ" (Restricted Light Industrial) District, "KK" (Restricted Heavy Industrial) District
to the west	mixed use development including single-family dwellings, commercial uses and industrial uses	"JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District and "KK" (Restricted Heavy Industrial) District, modified
<b><u>Blocks "1" "4" &amp; "5"</u></b>		
to the north	Queen Elizabeth Way	"JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District
to the south	CN rail line and a hydro power line corridor	"KK" (Restricted Heavy Industrial) District
to the east and west	industrial	"JJ" (Restricted Light Industrial) District and "KK" (Restricted Heavy Industrial) District

**OFFICIAL PLAN:**

Designated both "INDUSTRIAL" and "OPEN SPACE" on Schedule "A" - Land Use Concept Plan, and the lands fall within "HAZARD LANDS" on Schedule "C" of the Official Plan. In addition, a small portion of the lands are within "SPECIAL POLICY AREA 11" on Schedule "B" of the Official Plan. The following policies, among others, would apply:

- "A.2.4.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).
- A.2.4.2      The following ancillary uses may be permitted in OPEN SPACE areas: Limited Commercial uses which are ancillary to and support the primary OPEN SPACE Use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area."

A small portion of the subject lands, which provide a link to Lake Avenue are designated "INDUSTRIAL" and are within "SPECIAL POLICY AREA 11" on Schedule B - Special Policy Areas. Within SPECIAL POLICY AREA 11 Light Industrial Uses are permitted. The following policies should be noted:

- "A.2.3.1      The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
  - vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

- A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community like precinct such as the East Mountain Industrial Park.
- A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

The following "HAZARD LAND" policies would apply:

- "A.3.1.1 Certain areas within the City of Hamilton which form a part of the Open Space designation on Schedule "A" are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are only schematically shown as HAZARD LANDS on Schedule "C" to this Plan. Accordingly, it is intended that a proponent for redevelopment or development purposes abutting on, or within, HAZARD LANDS make reference to the "flood-line" and "fill-line" mapping approved by the appropriate Conservation Authority for precise delineation.
- A.3.1.2 The general intent of this Plan is that there should be no encroachment of development or major landscape alterations of these HAZARD LANDS and accordingly, the following policies will apply:"

The proposal complies with the intent of the Official Plan.

#### NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Grayside Neighbourhood.

#### COMMENTS RECEIVED:

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and sewers available on Barton Street East and Lake Avenue, and public sewers only on the South Service Road to service lands if required.

Any works which may occur within the Lake Avenue or Barton Street road allowances must conform to their respective Street/Road Use By-laws.

Any new or altered access to Lake Avenue or Barton Street East requires the approval of the City of Hamilton Traffic Department."

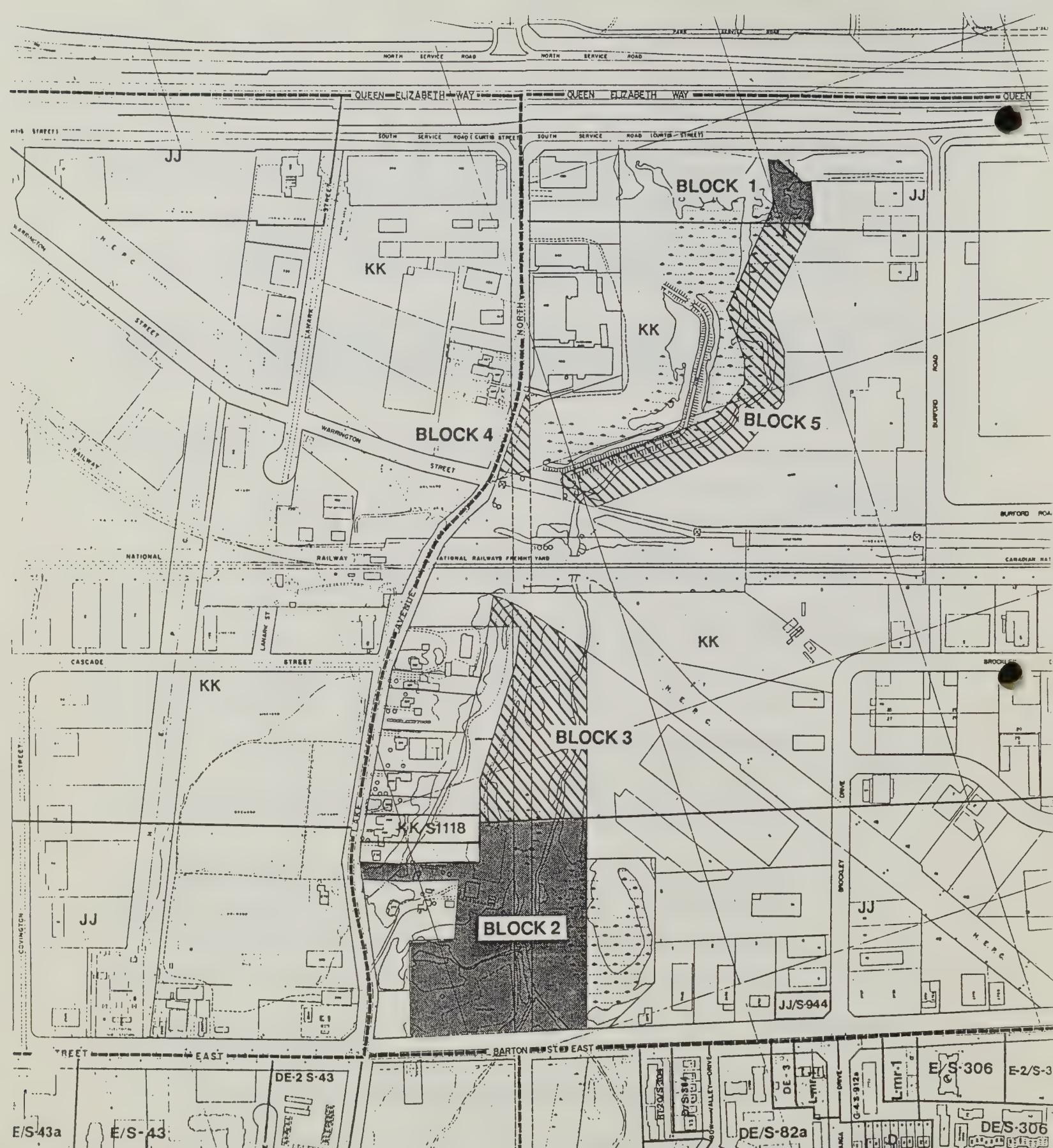
- The Building Department, Traffic Department, Hamilton Region Conservation Authority, Ministry of Natural Resources and Ontario Hydro have no comments or objections.
- C.N. Rail, no comments have been received to date.

#### **COMMENTS:**

1. The proposal complies with the intent of the Official Plan.
2. The proposal can be supported for the following reasons:
  - it will bring the zoning into conformity with the intent of the Official Plan by establishing the lands in an "A" (Conservation, Open Space, Park and Recreation) District;
  - it will preclude the use of these lands for industrial purposes currently permitted by the Zoning By-law;
  - it will establish uniform "A" (Conservation, Open Space, Park and Recreation) District zoning for all City owned lands within the valley of Stoney Creek in the area north of Queenston Road to the Queen Elizabeth Highway.

#### **CONCLUSION:**

On the basis of the foregoing, the application can be supported.



### Legend

Proposed change in zoning from:

BLOCKS 1&2



"JJ" (Restricted Light Industrial District) District to "A"  
(Conservation, Open Space, Park and Recreation) District.  
"KK" (Restricted Heavy Industrial District) District to "A"  
(Conservation, Open Space, Park and Recreation) District.

BLOCKS 3,4&5



CL 89-G  
APPENDIX A

## Corporation of the City of Hamilton

## Memorandum

\*\*\*\*\*

TO: Mr. V. Abraham  
Director of Local Planning

FROM: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

SUBJECT: City Initiative - City owned lands -  
Stoney Creek Ravine.

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH					
File No. 100 AUG 28 1989					
TO	STAFF	INIT.	INFO.	ACT.	
GIR					
PPD.A.					
REIGH					
YOUR FILE	PPDM				
DEV.					
F&U.C.					
OUR FILE:					
PHONE:	A				
	F				
DATE:	CART 1989	August 24			
ADMIN.					

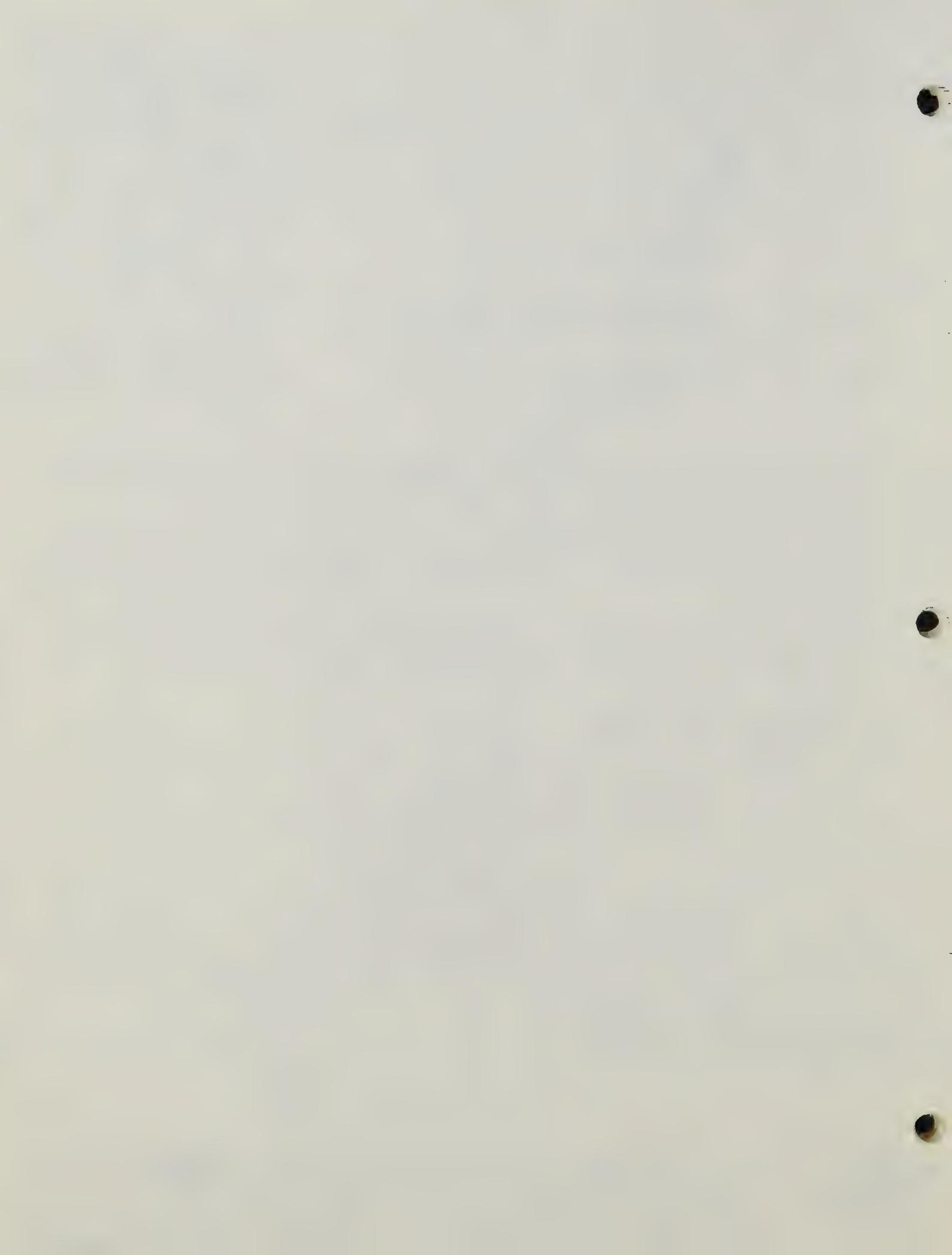
As you are aware the Planning and Development Committee at its meeting held Wednesday, 1989 August 16 were in receipt of a request from Alderman D. Agostino with respect to the City owned lands in the Stoney Creek Ravine.

The Committee then APPROVED that the Planning and Development Department be directed to undertake a City Initiative to review the feasibility of rezoning the City owned lands in the Stoney Creek Ravine from "KK" District to "A" District.

I trust that confirmation of the Committee's direction with respect to this matter is of assistance to you in following through on this matter.

*Susan K. Reeder.*

SKR:dbm  
c.c. - Alderman J. Smith, Chairman  
Planning & Development Committee  
- Alderman D. Agostino



12a.

Changing to "A" ZONE in between the two industrial areas can only create a problem for existing and future industries on each side.

In this regard we are wondering sometime!! Why some Companies are moving elsewhere.

C-I 89-G

Attached to Reply Card:

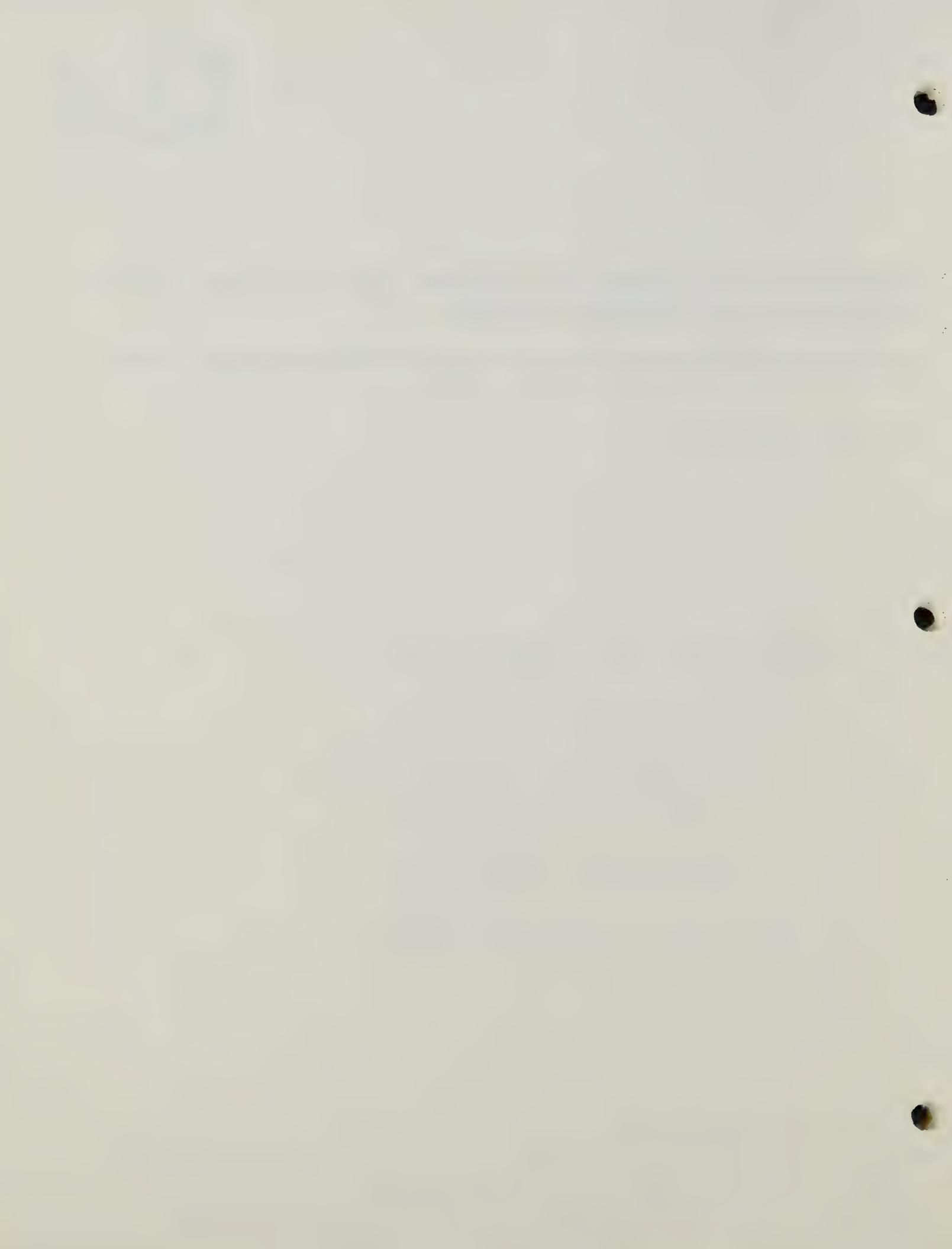
D'Alessandro, William

% Catania Realty Ltd.

88 John South

Hamilton, Ontario

re: 95 Burford Rd.



13.

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** June 3, 1991  
CI-91-C  
Inch Park Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

City Initiative for changes in zoning - No. 402 Upper Wentworth Street (Inverness Public School Site).

**RECOMMENDATION:**

That approval be given to City Initiative 91-C, City of Hamilton, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit future development for small lot single-family detached dwellings, on property located at No. 402 Upper Wentworth Street (formerly Inverness Public School), shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That Block "2" be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-15 for presentation to City Council;
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

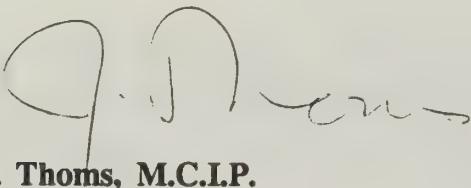
#### **EXPLANATORY NOTE:**

The purpose of the By-law is to provide for changes in zoning for lands at No. 402 Upper Wentworth Street (formerly Inverness Public School), as shown on the attached map on the following basis:

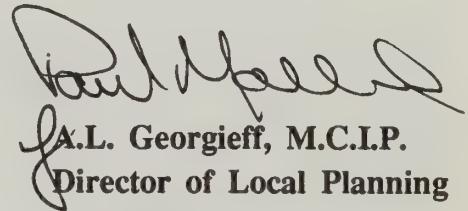
Block "1" - From: "C" (Urban Protected Residential, etc.) District;  
- To: "R-4" (Small Lot Single-Family Detached) District;

Block "2" - From: "D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District;  
- To: "R-4" (Small Lot Single-Family Detached District).

The effect of the By-law is to permit future development of the subject lands for "small lot" single-family detached houses.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A.L. Georgieff, M.C.I.P.  
Director of Local Planning

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The Parks and Recreation Committee requested that the Planning and Development Committee review the zoning of the site of the former Inverness Public School located at No. 402 Upper Wentworth Street, in keeping with the intent of the City to sell the property for single-family purposes.

Accordingly, at its meeting held on March 6, 1991, the Planning and Development Committee approved the following:

"That the Director of Local Planning be directed to proceed with a City Initiative on the property located at 402 Upper Wentworth Street (formerly Inverness School) to recommend a change in zoning from "D" Zoning (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "R-4" Zoning (Small Lot Single-Family) District to permit single-family dwelling use" (See APPENDIX "B").

At its meeting held on March 12, 1991, City Council adopted the recommendation of the Parks and Recreation Committee.

It should be noted, that the site is situated within two zoning districts "C" (Urban Protected Residential, etc.) District (Block "1") and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District (Block "2"), and the application has been processed on this basis.

The existing school building will be demolished. For the information of the Planning and Development Committee, the Real Estate Department has requested the Regional Engineering Department to prepare a subdivision plan for the development. Matters such as access and grading will be dealt with at that time. The land as subdivided will be sold by tender by the City in the normal manner.

**LOT SIZE AND AREA:**

A through lot having:

- 60.75 m (199.33 ft.) of lot frontage on both Upper Wentworth and East Nineteenth Streets;

- a lot depth of 85.34 m (280.0 ft.); and,
- 0.518 ha (1.28 ac) of lot area.

#### **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant building (former Inverness Public School)	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family and two-family dwellings	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the east	single-family dwellings	"D" (Urban Protected One and Two-Family Dwellings, Townhouses, etc.) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

**OFFICIAL PLAN:**

Designated "MAJOR INSTITUTIONAL" on Schedule "A" - Land Use Concept plan of the Official Plan, and subject to, among others, the following policies:

- "A.2.6.1      The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as "MAJOR INSTITUTIONAL", will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses....
- A.2.6.5      Notwithstanding the policies set out above, in areas designated "MAJOR INSTITUTIONAL USES", Residential uses may be permitted provided they are compatible with the surrounding area."

The proposal complies with the intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

A Neighbourhood Plan is not available for the Inch Park Neighbourhood.

**COMMENTS RECEIVED:**

- The Building Department has advised that:
  - "1.      At the present time, this property located in "C" and "D" zoning districts, has sufficient dimensions to create (10) lots for single-family dwelling purposes.
  - 2.      Under a "R-4" zoning district, the land is subject to a plan of subdivision."
- The Traffic Department, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Local Architectural Conservation Advisory Staff has advised as follows:

"Inverness School is one of about twenty schools, erected in Hamilton and Barton Township during the 1910's and 20's, which have survived today. Typically these schoolhouses were two-storey brick structures with classrooms located on either side of a central entrance and hallway. This standard rectangular shape was in turn given a variety of architectural treatment, ranging from the plain and unadorned to the highly decorative.

#### COMMENTS:

As a listed historical building, Inverness School is a local landmark worthy of adaptive reuse. Redundant school architecture is not an uncommon problem, but these structures have proven to be popular and profitable for conversion to residential use in other communities. Since there has already been approval for the demolition of Inverness School, such a solution is not relevant in this case. Hamilton, however, is fortunate to have a number of fine schoolhouses from this period that are well worth preserving and re-using."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

In the absence of any details shown, we advise that any works within the adjacent road allowances must conform to the respective Streets By-laws.

The applicant should be advised that the alley to the north of the subject lands and to the southwest of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee access to the subject lands from these alleys."

#### COMMENTS:

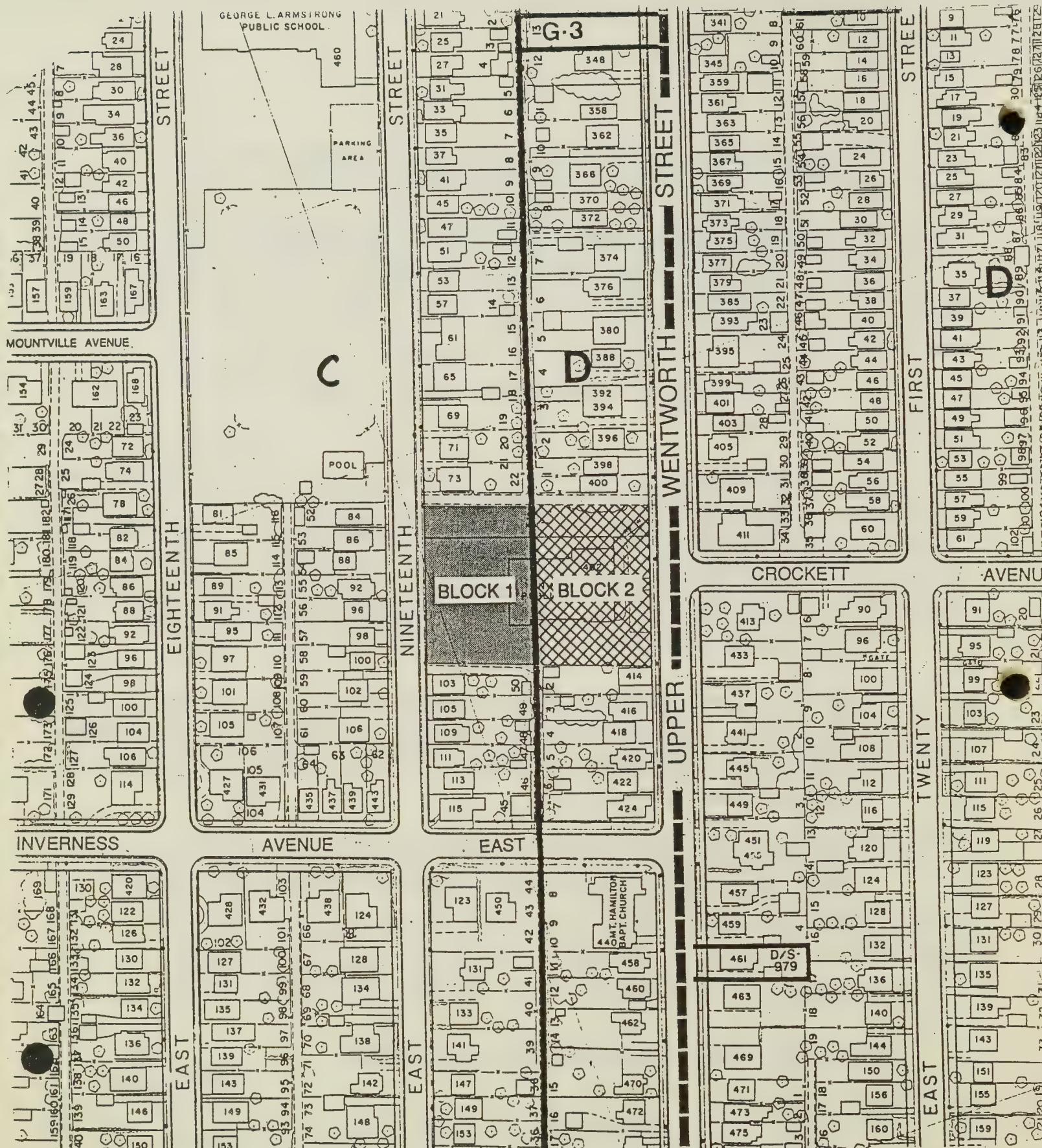
1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:
  - The current "C" District zoning for the portion of the property fronting onto East Nineteenth Street would allow for single-family dwelling development. However, the "D" District zoning for the lands fronting onto Upper Wentworth Street would permit, among other uses, single-family dwellings, two-family dwellings, and townhouses.

In this regard, the proposal to create "small lot" single-family dwellings is no less feasible;
  - The proposed "R-4" lots would be compatible with the character of established single-family and two-family development in this area. In this regard, lots in the surrounding area have widths ranging from 9.25 (30.36 ft.) to 11.88 m (39.0 ft.) and areas ranging from 366.65 m<sup>2</sup> (3,946.8 sq.ft.) to 458.0 m<sup>2</sup> (4,930.8 sq.ft.). "R-4" lots in a plan of subdivision shall have an average lot width of not less than 10.0 m (33.0 ft.), and an average lot area of not less than 306.0 m<sup>2</sup> (3,294.0 sq.ft.) for each single-family dwelling.
3. The Real Estate Department has advised that they have requested the Regional Engineering Department to prepare the necessary subdivision plan for the development. Matters related to maintenance agreements for "zero" yards, access and lot grading will be dealt with prior to the sale of lands by the City.
4. Since the proposed "R-4" lots will adjoin lots to the north and south within a "C" and "D" District, the minimum side yard requirements of the adjoining districts would apply to the end lots in the "R-4" District.

#### **CONCLUSION:**

On the basis of the foregoing, the application can be supported.



### Legend

Proposed change in zoning from:

**BLOCK 1** "C" (Urban Protected Residential, etc.) District to  
"R-4" (Small Lot Single-Family Detached) District.

**BLOCK 2** "D" (Urban Protected Residential - One and Two Family Dwellings,  
Townhouses, etc.) to "R-4" (Small Lot Single-Family Detached) District.

PLANNING & DEVELOPMENT	
LOCAL PLANNING BRANCH	
File No.	MAR 13 1991
TO	STAFF INIT.
OIR	
PLR	
CD	
CAHT	
ADMIN	

\*\*\*\*\*  
P.M. MA  
C.D.  
\*\*\*\*\*

# CORPORATION OF THE CITY OF HAMILTON

## MEMORANDUM

\*\*\*\*\*

**TO:** A. L. Georgieff, M.C.I.P.  
 Director, Local Planning Division  
 Planning and Development Department

**FROM:** Mrs. Susan K. Reeder, Secretary  
 Planning and Development Committee  
 City Clerk's Department

**SUBJECT:** City Initiative - former Inverness  
 School - 402 Upper Wentworth Street.

YOUR FILE:

OUR FILE:  
 PHONE:

DATE: 1991 March 11

As you are aware the Planning and Development Committee at its meeting held Wednesday, 1991 March 6, were in receipt of an added report from the Parks and Recreation Committee, requesting that the Planning and Development Committee review the zoning of the above-noted property in keeping with proposed intent for the City to sell the former Inverness School for single family development purposes.

Accordingly, the Committee approved the following:

That the Director of Local Planning be directed to proceed with a City Initiative on the property located at 402 Upper Wentworth Street (former Inverness School) to recommend a change in zoning from "D" Zoning (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District to "R-4" Zoning (Small Lot Single Family) District to permit single family dwelling use.

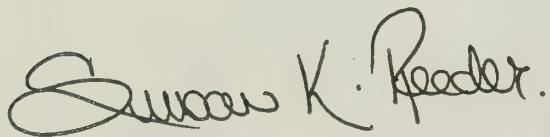
Note: The Parks and Recreation Committee at its meeting held Tuesday, 1991 March 5, approved the demolition of the school structure on the site, conditional upon receipt of Ontario Municipal Board approval of the Sackville Hill Park site as the location for the Senior Citizen Centre, as well as the sale of the property for single family development purposes (10 lots).

As you are aware the recommendation from the Parks and Recreation Committee to proceed with the above-noted plans will be presented to Hamilton City Council for consideration and approval at its meeting to be held Tuesday, 1991 March 12.

March 11, 1991  
Mr. A. Georgieff  
Page 2

Continued ....

Trusting that confirmation of the Committee's directive is of assistance to you in carrying out the appropriate action.



c.c.- Alderman F. Lombardo, Chairman  
Planning and Development Committee  
- Alderman T. Murray, Chairman  
Parks and Recreation Committee  
- Mr. L. Sage, Chief Administrative Officer  
- Mr. D. Vyce, Director of Property  
- Mr. B. Sugden, Director of Culture and Recreation  
- Ms. C. Coutts, Acting Secretary  
Parks and Recreation Committee

14.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** May 30, 1991  
ZA-91-10  
Trenholme Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a modification in zoning - No. 1215 Stone Church Road East.

**RECOMMENDATION:**

That approval be given to Zoning Application 91-10 Hamilton Roller Gardens Limited, owner, for a modification to the "M-13" (Prestige Industrial) District regulations to permit a penny arcade (14 pin ball machines) within the existing building, for property located at No. 1215 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

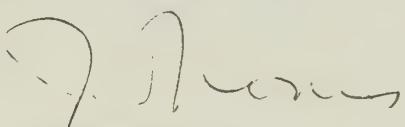
- i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
  1. That notwithstanding Section 17E(1)(c) the following accessory commercial use shall be permitted only within the existing building:
    - a) a penny arcade having a maximum of 14 machines.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for presentation to City Council;

- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

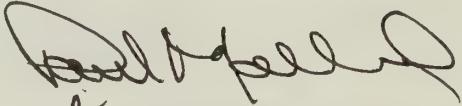
#### **EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a modification to the "M-13" (Prestige Industrial) District regulations for property located at No. 1215 Stone Church Road East, as shown on the attached map.

The effect of the By-law is to permit a penny arcade having a maximum of 14 machines as an accessory commercial use only within the existing building (Hamilton Roller Gardens).



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A.L. Georgieff, M.C.I.P.  
Director of Local Planning

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

#### **BACKGROUND:**

##### Proposal

It is the applicants intention to establish a penny arcade (14 pin ball machines) within the existing building (Roller Rink).

#### **APPLICANT:**

Hamilton Roller Gardens Limited, owner.

#### **LOT SIZE AND AREA:**

- 96.0 m (315.0 ft.) of lot frontage on Stone Church Road East;
- 86.25 m (283.0 ft.) of lot depth; and,
- 0.825 ha (2.04 ac.) of lot area.

## LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Hamilton Roller Gardens	"M-13" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	Fire Department Training Centre	"M-13" (Prestige Industrial) District
to the south	Industrial uses including an auto repair garage and vacant land	"M-14" (Prestige Industrial) District, modified and "M-14" (Prestige Industrial) District
to the east	Industrial, car audio sales and installations	"M-13" (Prestige Industrial) District, modified
to the west	mini putt golf centre	"M-13" (Prestige Industrial) District, modified

## OFFICIAL PLAN:

Designated "INDUSTRIAL" on Schedule "A" - Land Use Concept plan and located within SPECIAL POLICY AREA 11 on Schedule "B" Special Policy Areas of the Official Plan.

The following policies, among others, would apply:

- "A.2.3.1      The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing.
- A.2.3.14      The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- A.2.3.15      In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category.

- A.2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3."

The proposal does not conflict with the intent of the Official Plan.

#### NEIGHBOURHOOD PLAN:

Designated "MULTI-CENTRE" on the approved MOUNTAIN INDUSTRIAL AREA Neighbourhood Plan, the proposal does not conflict with the intent of the Plan.

#### COMMENTS RECEIVED:

- The Building Department has advised that:
  - "1. The proposed use is considered a "Penny Arcade" which is not permitted in any "M" zoning district.
  2. A "Penny Arcade" is under the S.I.C. Identification number 9694 - "Coin Operated Amusement Services."
- The Traffic Department, Hamilton-Wentworth Engineering Department, Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Department and the City Clerks Department - Licence Division have no comments or objections.

#### COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Mountain Industrial Area Plan which designates the site for "MULTI-CENTRE" use.
3. The proposal has merit and can be supported for the following reasons:
  - i) Under zoning By-law No. 6593 a penny arcade would be permitted as-of-right in either a "J" (Light and Limited Heavy Industry) District or a "K" (Heavy Industry) District, but is not a permitted use within any "M" (Prestige Industrial) District. In this regard, it would be no less feasible to permit the penny arcade use in the "M-13" (Prestige Industrial) District which is a light industrial type zone.
  - ii) The proposed penny arcade use would satisfy Council's adopted policy respecting criteria used to evaluate the merits of applications to permit penny arcades in the "I" (Central Business) District, which policy is no less feasible in evaluating the merits of this application. In this regard, the proposal would satisfy the following provisions of the policy:

- it is a limited ancillary use located within the confines of a building along with another principal use which caters to entertainment (Roller Rink);
- the proposed limit of 14 machines would maintain the ancillary character of the "penny arcade" operation;
- the penny arcade use is to be located entirely within the existing building, and as such, the presence of the penny arcade or amusement machines is not obvious to external traffic (i.e. pedestrian/vehicular);
- the penny arcade is situated in excess of the minimum 1,000 foot distance separation factor to the closest school (Blessed Tekakwitha Separate School - 1,070 feet) established by the policy.

### **CONCLUSION:**

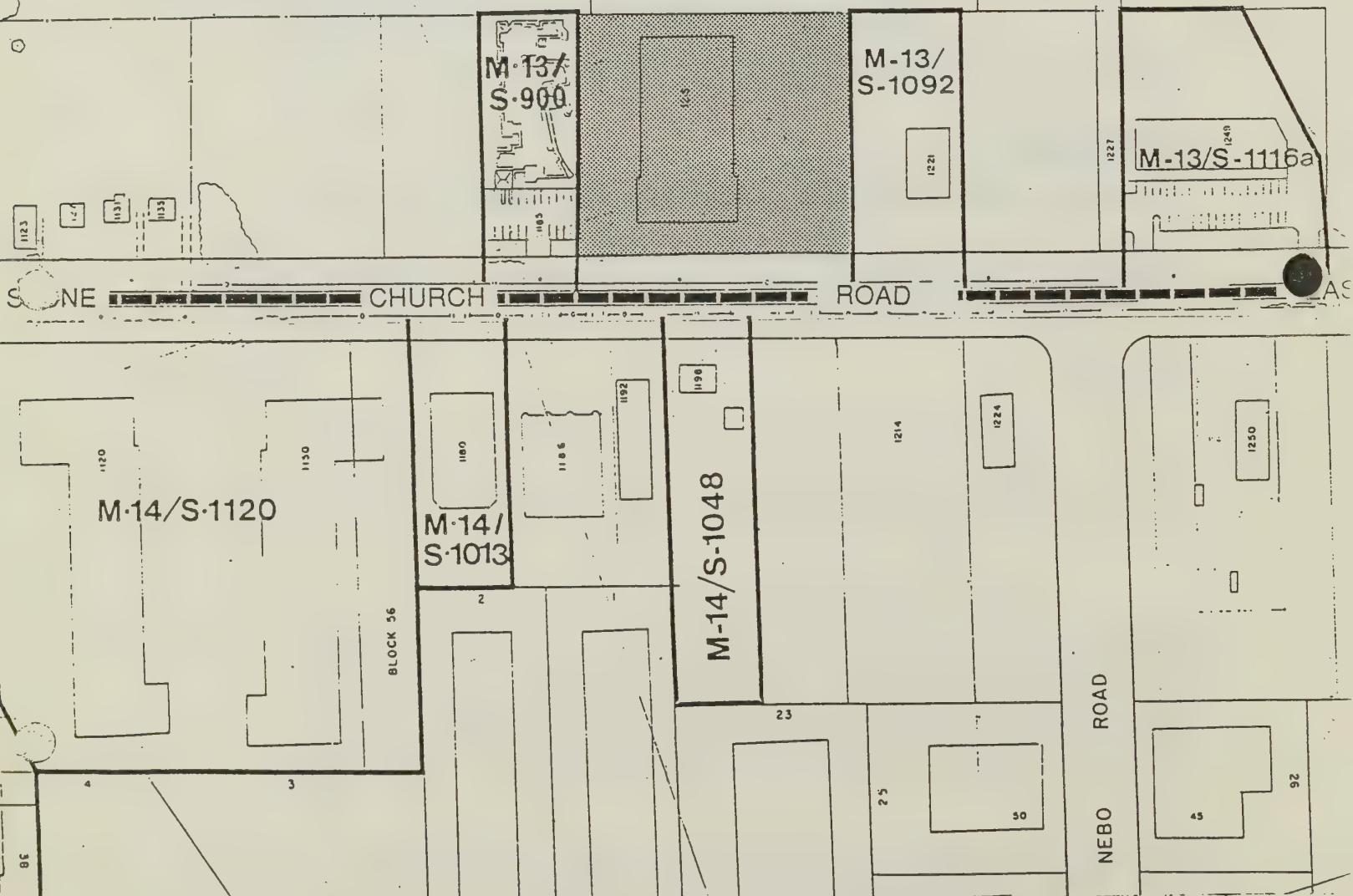
On the basis of the foregoing, the application can be supported.

GAW/ma

M-13

REGIONAL FIRE DEPARTMENT  
SIMULATED FIRE & D  
RESCUE COMPLEX.

1289 UPPER OTTAWA



Legend



Site of the Application

ZA 91-10

APPENDIX A

CITY OF HAMILTON

- RECOMMENDATION -

15.

**DATE:** June 4, 1991  
ZA-91-22, Ainslie Wood Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thomas  
Commissioner of Planning and Development

**SUBJECT:** !

Request for a change in zoning - No. 64 Ewen Road.

**RECOMMENDATION:** !

That approval be given to Zoning Application 91-22, 627791 Ontario Inc. (J. Lebrecht), owner, requesting a change in zoning from "M-14" (Prestige Industrial) District modified, to "C" (Urban Protected Residential, etc.) District Imodified, to permit two small lot single-family building lots, for property located at No. 64 Ewen Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "M-14" (Prestige Industrial) District modified, to "C" (Urban Protected Residential, etc.) District;
- ii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:
  - a) That notwithstanding Section 9(4), a lot width of not less than 10.0 metres shall be permitted;

- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Map W-46 be noted S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- vi) That the approved Ainslie Wood Neighbourhood Plan be amended by redesignating the subject lands to "SINGLE AND DOUBLE RESIDENTIAL".

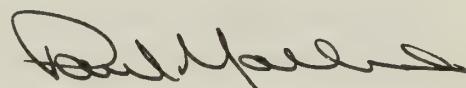
**EXPLANATORY NOTE:**

The purpose of the By-law is to establish a change in zoning from "M-14" (Prestige Industrial) District modified, to "C" (Urban Protected Residential, etc.) District modified, for property located at No. 64 Ewen Road, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands for two small lot single-family building lots. In addition, the By-law establishes a variance to permit a minimum lot width of 10.0 m, whereas 12.0 m is required.



J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
A.L. Georgieff, M.C.I.P.  
Director of Local Planning**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**• Proposal

The applicant is seeking to rezone the subject lands from "M-14" (Prestige Industrial) District modified to "C" (Urban Protected Residential, etc.) District modified. The purpose of the application is to permit development of the subject lands for two small lot single-family building lots.

• DA-89-72 - 64 Ewen Road

The applicant submitted the site plan application in order to develop the subject lands for a public storage warehouse.

At its meeting of December 13, 1989, the Planning and Development Committee approved this application subject to the approval by the Committee of Adjustment of two variances: i) a portion of the required front yard landscaped area will be interrupted with the location of an access driveway; and ii) a reduced lot width of 20.117 m minimum instead of the required 30.0 m.

The Committee of Adjustment, at its meeting of January 31, 1990, approved the above minor variances to implement the approved site plan (Application A-89:226). The decision of the Committee was appealed to the Ontario Municipal Board by neighbouring residents. The Board hearing was held on August 20, 1990 and the Board upheld the appeals and denied the application for the minor variances for the following reason:

"The Board accepts the neighbours' contention that the use proposed represents an objectional intrusion into the land which was and is envisaged to be a buffer between the residential and industrial community. As such the proposed development is not an appropriate land use of the subject site."

**APPLICANT:**

627791 Ontario Inc. (J. Lebrecht), owner.

### **LOT SIZE AND AREA:**

The subject lands are irregular in shape and have:

- 20.065 m (65.83 feet) of lot frontage on Ewen Road;
- 54.315 m (178.2 feet) of lot depth; and,
- 1,169.8 m<sup>2</sup> (12,591.6 square feet) of lot area.

### **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"M-14" (Prestige Industrial) District modified
<u>Surrounding Lands</u>		
to the north and east	industrial and commercial	"M-14" (Prestige Industrial) District modified
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Hydro Corridor	"A" (Conservation, Open Space, Park and Recreation) District modified

### **OFFICIAL PLAN:**

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

- "A.2.3.1      The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing.

D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "C", "D", "F", "G", and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

A minor adjustment could be made to extend the adjoining "RESIDENTIAL" designation to encompass the subject lands. On this basis, the application would not conflict with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "INDUSTRIAL" on the approved Ainslie Wood Neighbourhood Plan. Approval of the application would necessitate a redesignation to "SINGLE AND DOUBLE RESIDENTIAL".

#### **COMMENTS RECEIVED:**

- The following agencies and departments have no comments or objection:
  - Hamilton Region Conservation Authority;
  - Hamilton-Wentworth Economic Development Department;
  - Real Estate Department; and,
  - Ministry of the Environment.
- The Traffic Department has advised that the application is "satisfactory".
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands. Any works which may occur within the Ewen Road road allowance must conform to the City of Hamilton Streets By-law."

- The Building Department has advised:

"To permit two (2) single-family dwellings, each lot requires a minimum width of 12.0 m and area of 360.0 m<sup>2</sup>".

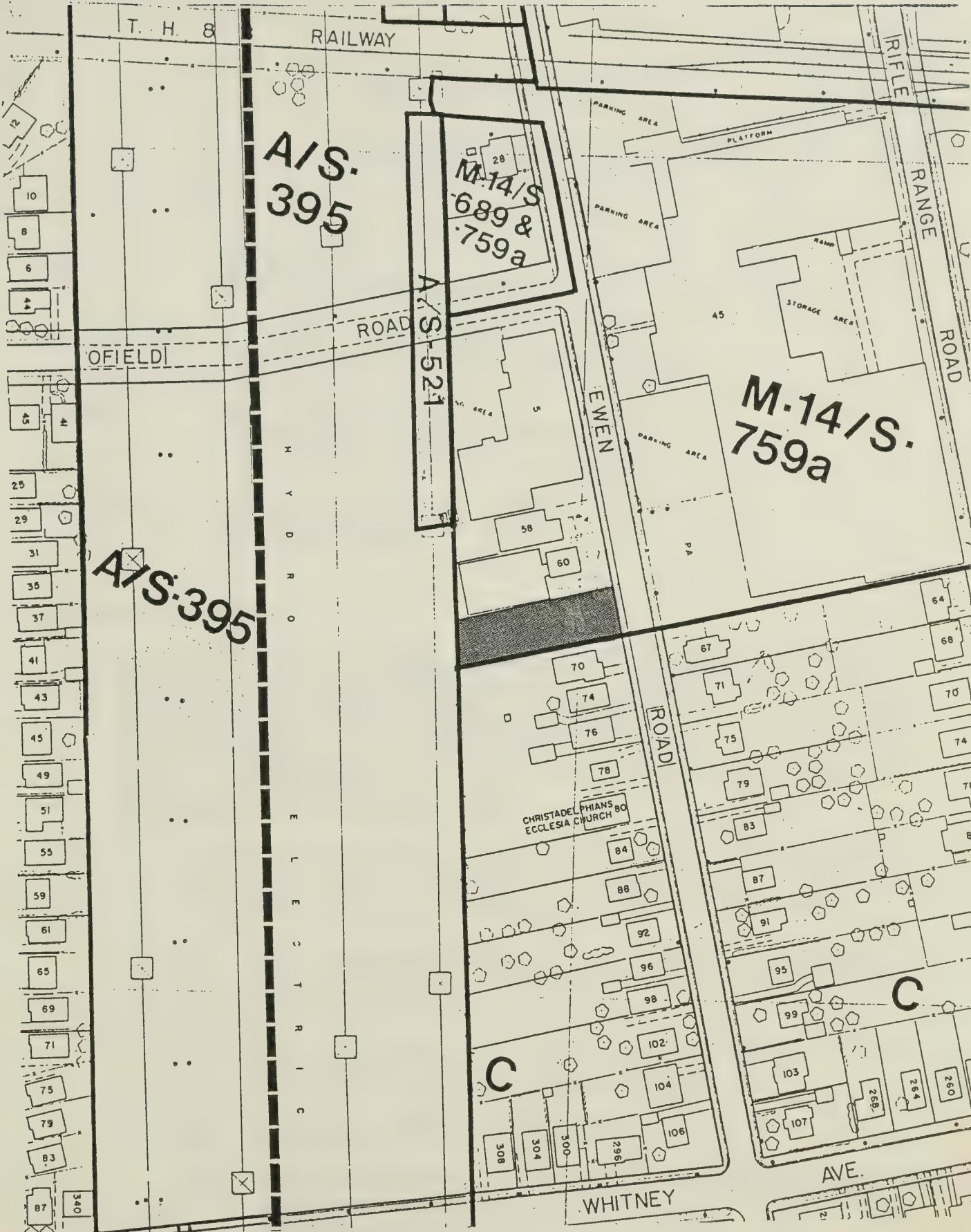
#### COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan on the basis that a minor adjustment to the "RESIDENTIAL" designation can be made to encompass the subject lands.
2. The proposal does not comply with the intent of the approved Ainslie Wood Neighbourhood Plan. Approval of the application would necessitate a redesignation to "SINGLE AND DOUBLE RESIDENTIAL".
3. The proposal has merit and can be supported for the following reasons:
  - i) it would be compatible with the adjoining lands to the south;
  - ii) the requested zoning is appropriate for the subject development; and,
  - iii) the proposed residential use would not compromise the existing industrially designated land in this area.
4. The Building Department has advised that a variance would be required to permit a reduced lot width of 10 m. The variance is minor in nature and can be supported.
5. In order to create the two building lots, the applicant must obtain a severance from the Land Division Committee.

#### CONCLUSION:

On the basis of the foregoing, the application can be supported.

MLT/ma  
WPZA9122



Legend

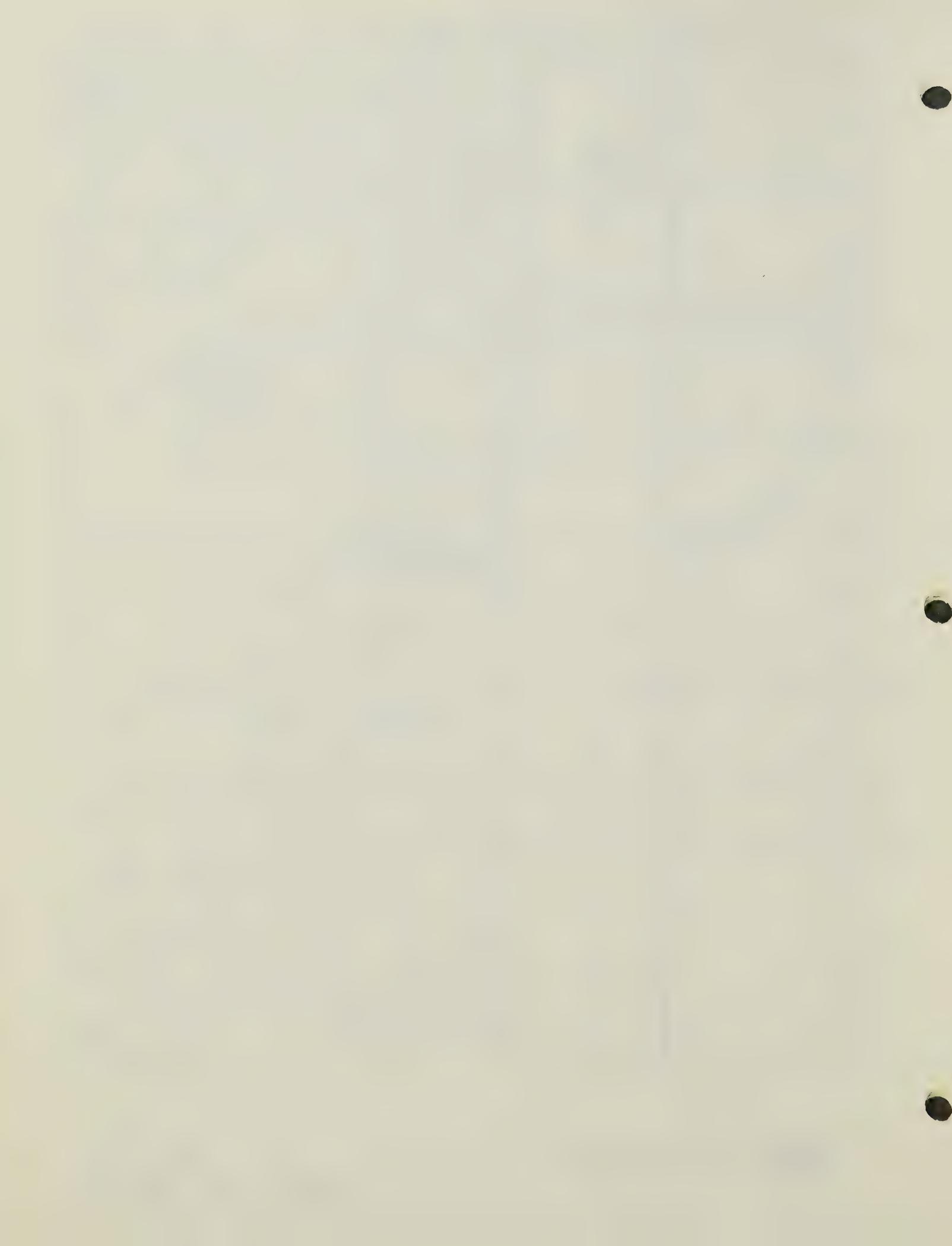


Site of the Application

APPENDIX A

ZA 91-22





16.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1991 June 10  
ZA-91-19; Rosedale Neighbourhood

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms, M.C.I.P.  
Commissioner of Planning and Development

**SUBJECT:** Request for a modification in zoning - Nos. 147 - 155  
Dundonald Avenue.

**RECOMMENDATIONS:**

1. That approval be given to Zoning Application 91-19, Patricia Costen and 892987 Ontario Inc. (Fred Spencer), owners, requesting a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations, to permit conversion of the existing building from three dwelling units and 369m<sup>2</sup> of commercial floor area to six dwelling units and 115m<sup>2</sup> of commercial floor area, for property located at Nos. 147-155 Dundonald Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
    - a) That notwithstanding Section 13(1), a multiple dwelling containing not more than six Class "A" dwelling units shall be permitted only within the existing building;
    - b) That notwithstanding Section 18A(1)(a), not less than seven parking spaces shall be provided and maintained on-site;
    - c) That Section 18A(1)(c) shall not apply;
    - d) That notwithstanding Section 18A(11)(a), the northerly boundary of the parking area shall be not less than 1.2 metres away from the adjoining residential district;

- e) That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the entire northerly and easterly lot lines;
  - f) That a planting strip of not less than 1.2m in width shall be provided and maintained along the easterly lot line; and,
  - g) That not less than 133.4m<sup>2</sup> of landscaped area shall be provided and maintained;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-67 be notated S- ;
  - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-67 for presentation to City Council; and,
  - iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be forwarded for passage by City Council until such time as the applicants have applied for and received approval of site plans for the parking area.

**EXPLANATORY NOTE:**

The purpose of the By-law is to modify the existing "G" (Neighbourhood Shopping Centre, etc.) District regulations for property located at Nos. 147-155 Dundonald Avenue, as shown on the attached map.

The effect of the By-law is to permit conversion of the existing building from three dwelling units and 369m<sup>2</sup> of commercial floor area to six dwelling units and 115m<sup>2</sup> of commercial floor area. In addition, the By-law establishes the following variances as special provisions:

- a minimum of seven parking spaces are to be provided and maintained whereas normally eight parking spaces would be required;
- no loading space shall be provided whereas normally one loading space would be required;
- the northerly boundary of the parking area shall be no closer than 1.2m to the adjoining residential district whereas normally the parking area would be no closer than 1.5m to the adjoining residential district to the north;
- a visual barrier of not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the entire northerly and

- easterly lot lines whereas normally a visual barrier would only be required adjacent to the northerly boundary of the parking area;
- a planting strip of not less than 1.2m in width shall be provided and maintained along the easterly lot line whereas normally no planting strip would be required; and,
  - a minimum landscaped area of 133.4m<sup>2</sup> shall be provided and maintained.

J.D. Thoms, M.C.I.P.  
Commissioner,  
Planning and Development Department

A.L. Georgieff, M.C.I.P.  
Director - Local Planning

#### ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

#### ***BACKGROUND:***

- Proposal

The applicants are requesting a modification in zoning in order to convert the existing building from three dwelling units and 369m<sup>2</sup> of commercial floor area (located in the basement and on the first floor) to six dwelling units and 115m<sup>2</sup> of commercial floor area (located on the first floor). Seven parking spaces can be provided on site (see APPENDIX "B").

- Zoning Application 86-22 - No. 131 Aberfoyle Avenue

At its meeting of April 30, 1986, the Planning and Development Committee approved this application to permit the establishment of ten dwelling units within the existing building with the provision of four parking spaces. City Council, at its meeting of May 13, 1986, adopted the recommendation of the Planning and Development Committee.

By-law No. 86-198, which implements the foregoing modification in zoning, came into effect on July 29, 1986.

#### ***APPLICANTS:***

Patricia Costen and 892987 Ontario Inc. (Fred Spencer), owners.

### ***LOT SIZE AND AREA:***

The subject land has:

- 33.22 m (109 feet) of lot frontage on Dundonald Avenue;
- 16.76 m (55 feet) of lot frontage on Aberfoyle Avenue; and,
- 556.9 m<sup>2</sup> (5,995 square feet) of lot area.

### ***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	residential and commercial	"G" (Neighbourhood Shopping Centre, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family homes	"C" (Urban Protected Residential, etc.) District
to the south	ten-unit multiple dwelling	"G" (Neighbourhood Shopping Centre, etc.) District, modified
to the west	Rosedale Public School	"G" (Neighbourhood Shopping Centre, etc.) District and "C" (Urban Protected Residential, etc.) District
to the east	single-family dwelling	"G" (Neighbourhood Shopping Centre, etc.) District

### ***OFFICIAL PLAN:***

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

- "A.2.2.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be

permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

- i) Residential uses subject to the following provisions:
  - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
  - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
  - c) satisfy the provisions of Subsections A.2.1 and C.7.

**C.7.3** Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of the residents. Accordingly, Council will:

- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal does not conflict with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

A neighbourhood plan is not available for the Rosedale Neighbourhood.

#### **COMMENTS RECEIVED:**

- The following agency has no comment or objection:
  - Hamilton Region Conservation Authority.
- The Building Department has advised that:
  - "1. A building containing six (6) dwelling units is considered a multiple dwelling and is not permitted in a "G" zoning district.
  2. A six (6) unit multiple dwelling requires eight (8) parking spaces and one (1) 3.7m x 9.0m x 4.3m loading space.
  3. A parallel parking space shall have minimum dimensions of 2.5m x 6.7m.
  4. A 1.5m wide planting strip shall be provided between the parking area and the residential district to the north."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains on Dundonald Avenue and a combined storm and sanitary sewer on Aberfoyle Avenue available to service these lands.

Any works which may occur within the Dundonald Avenue or Aberfoyle Avenue road allowance must conform to the City of Hamilton Streets By-Law.

Any new or altered access to Dundonald Avenue requires the approval of the City of Hamilton Traffic Department.

We require 5m x 5m visibility daylight triangles between the access and Dundonald Avenue property line where the vegetation or objects cannot exceed a height of 0.6m higher than the perpendicular centreline elevation of Dundonald Avenue.

Comments from the City of Hamilton Traffic Department with respect to on-site parking requirements and manoeuvring should be received."

- The Traffic Department has advised that:

"Please be advised that we have reviewed the above-noted application and find the proposed zoning satisfactory.

The site plan submitted indicates that seven on-site parking spaces will be provided. The Zoning By-law requires eight parking spaces and on 3.7m x 9.0m loading space. The Traffic Department would support a variance to reduce the parking requirements from eight spaces to seven spaces and to eliminate the loading zone requirement.

The two parallel parking spaces indicated on the site plan only measure 6.4m (21 feet) in length. Parallel parking spaces must be 6.7m (22 feet) in length."

#### **COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
  - i) it provides an opportunity for the provision of increased affordable housing opportunities in this area of the City;
  - ii) it is an adaptive re-use of an existing building; and,
  - iii) the expansion of the number of permitted residential units should not have any negative spill-over effects on the adjoining neighbourhood as adequate

parking and appropriate screening of the adjoining residential properties to the north and east will be provided.

3. On the basis of the preliminary plan submitted, the following variances have been identified:

- Number of Parking Spaces

The proposed six units require eight parking spaces to be provided and maintained on-site. The applicants are proposing to provide seven parking spaces, which is the maximum number that can be provided on this site. As the Traffic Department is not opposed to the reduction of one parking space, the variance can be supported.

- Loading Space

A multiple dwelling with six units requires one small loading space and the applicants are proposing to eliminate the required loading space. Given the constraints of the site and the fact that the Traffic Department is not opposed to eliminating the requirement for the loading space, the variance can be supported.

- Setback from Northerly Property Line

The Building Department has advised that the boundary of the parking area is required to be setback from the northerly property line (adjoining the residential district) by 1.5 metres. The applicants are proposing to provide a setback of 1.2 metres. A reduction in the required setback can be supported as the depth of the property precludes provision of both this setback and legally sized parking spaces. Further, the reduction in the setback is approximately one foot which should not adversely affect the adjoining single-family homes to the north.

- Dimensions of Parallel Parking Spaces

The Building Department has advised that the two proposed parallel parking spaces are substandard (2.24m x 6.4m whereas 2.5m x 6.7m is required). The Traffic Department has advised that they cannot support a reduction in the required size of the parallel parking spaces. Further, there does not appear to be any site constraint prohibiting the applicants from meeting the By-law requirements. Accordingly, the variance cannot be supported.

4. The following special requirements should be provided.

- Planting Strip - East Lot Line

The adjoining property to the east is a single-family home and will directly

abut the proposed parking area. In order to mitigate any potential spill-over effects, it would be appropriate to require a planting strip of not less than 1.2m in width to be provided and maintained along the east lot line.

- Visual Barrier

The Zoning By-law requires a visual barrier to be erected and maintained for that portion of the parking area adjoining a residential district. In this instance, a visual barrier is required only for the northerly boundary of the parking area. However, as the adjoining properties to the north and east are single-family homes, a visual barrier of not less than 1.2m in height and not more than 2.0m in height should be provided and maintained along the northerly and easterly lot lines.

- Landscaping

The applicants are proposing to increase the amount of landscaped area from 65.93 m<sup>2</sup> to 133.4m<sup>2</sup>. In order to ensure the continued provision of this amount of landscaped area, a minimum standard of landscaped area should be included as a special provision in the amending By-law.

5. The "G" (Neighbourhood Shopping Centre, etc.) District regulations are subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. In order to ensure that the special requirements of the amending By-law and the concerns of the Engineering Department are met, it would be appropriate that the amending By-law not be forwarded for passage by City Council until such time as a site plan is approved for the parking area.

**CONCLUSION:**

On the basis of the foregoing, the application can be supported.

MLT:ma  
WPZA9119

MONTROSE

AVENUE

ROAD

AVENUE

AVENUE

DRIVE

AVENUE

DUNDONALD

GIS-957

G

COCHRANE

ERINDALE

ABERFOYLE

MALTA

E.P.C.

Legend

Site of the Application

ZA 91-19

APPENDIX A

## SITE INFORMATION

### EXISTING

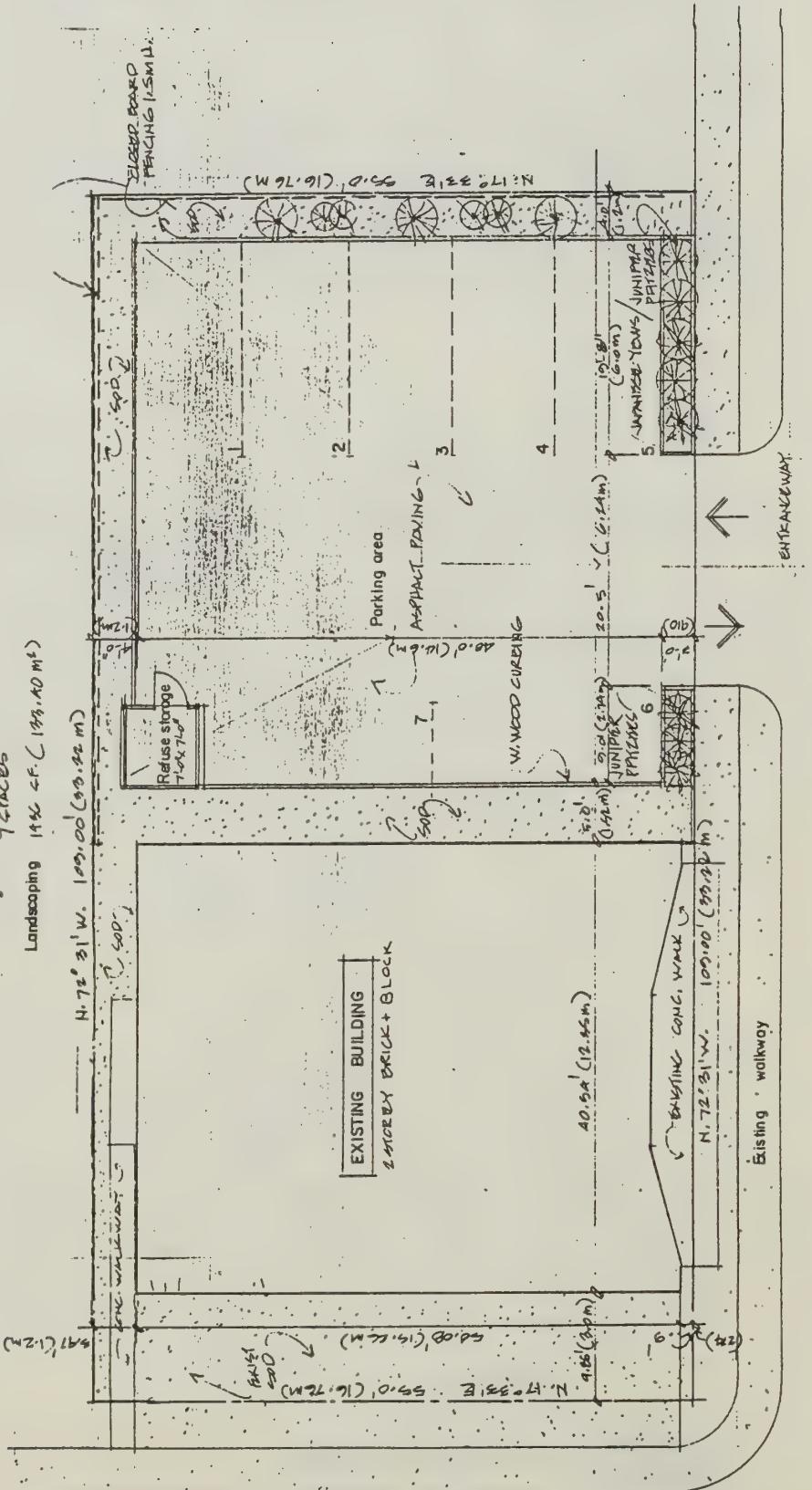
Zoning 1  
Site Area 1,995.0 sf (56.95 m<sup>2</sup>)  
Building Area BASEMENT 1988.5 sf (184.73 m<sup>2</sup>) COMMERCIAL  
GROUND FLOOR 1988.5 sf (184.73 m<sup>2</sup>) COMMERCIAL  
SECOND FLOOR 1988.5 sf (184.73 m<sup>2</sup>) RESIDENTIAL (3 UNITS)

Existing Use BASEMENT COMMERCIAL  
GROUND FLOOR COMMERCIAL  
SECOND FLOOR RESIDENTIAL  
5 SPACES

Parking Landscaping 710 sf (64.95 m<sup>2</sup>)

### PROPOSED

Modified 'C' SITE SPECIFIC  
Use BASEMENT 1988 sf (184.73 m<sup>2</sup>) RESIDENTIAL (2 UNITS)  
GROUND FLOOR 1238 sf (115.0 m<sup>2</sup>) COMMERCIAL, TSF (646 m<sup>2</sup>) RESIDENTIAL (1 UNIT)  
SECOND FLOOR 1988.5 sf (184.73 m<sup>2</sup>) RESIDENTIAL (3 UNITS)  
7 SPACES  
Landscaping 1450 sf (133.40 m<sup>2</sup>)



ABERFOYLE

DUNDONALD

APPENDIX B

**CITY OF HAMILTON**

**- RECOMMENDATION -**

17.

**DATE:** 1991 June 10  
ZA-91-14  
Jerome Neighbourhood

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms, M.C.I.P.  
Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - No. 1341 Upper James Street.

**RECOMMENDATIONS:**

1. That approval be given to amended Zoning Application 91-14, W. Alex Hemstreet, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, to permit development of the subject land for a gas bar and commercial uses, for property located at No. 1341 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
  - ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
    - a) That notwithstanding Section 14A(3)(a), a minimum 6.0 m front yard setback shall be provided and maintained from Upper James Street;
    - b) That notwithstanding Section 14A(3), a minimum 6.0 m southerly side yard setback shall be provided and maintained from Stone Church Road East;
    - c) That a landscaped planting strip of not less than 6.0 m in width, shall be provided and maintained adjacent to the entire westerly and southerly lot lines excluding any area(s) used for vehicular access;

- d) That a minimum 1.5 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not higher than 2.0 m in height, shall be provided and maintained along the entire easterly lot line.
  - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-67 be notated S- ;
  - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-67 for presentation to City Council; and,
  - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be forwarded for passage by City Council until such time as:
- a) the applicant has applied for and received approval of a site plan for the subject lands, including a design concept for the future development of adjoining lands to the east municipally known as Nos. 15-21 Stone Church Road East and providing for a potential future link with the adjoining lands to the north; and,
  - b) the approved site plan be registered on the title of the land.

**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for property located at No. 1341 Upper James Street, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands for a gas bar and commercial uses. In addition, the By-law provides for the following variances as special provisions:

- a front yard along Upper James Street of not less than 6.0 m, whereas 12.0 m is required;
- a side yard along Stone Church Road East of not less than 6.0 m, whereas no side yard is required;
- a minimum 6.0 m wide landscaped planting strip, excluding any area(s) used for vehicular access, shall be provided and maintained along the entire westerly (Upper James Street) and southerly (Stone Church Road East) lot lines; and,

- a minimum 1.5 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the entire easterly lot line.

*J.D. Thoms*  
J.D. Thoms, M.C.I.P.  
Commissioner,  
Planning and Development Department

*A.L. Georgieff*  
A.L. Georgieff, M.C.I.P.

Director of Local Planning

#### ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

#### ***BACKGROUND:***

- Proposal

The applicant is seeking the rezoning in order to develop the subject lands for a gas bar and a commercial building (see APPENDIX "D"). The placement of the building is to be in the southwest corner of the lot in order to allow for the future inclusion of the remaining commercially designated lands located east of the subject lands.

#### ***APPLICANT:***

W. Alex Hemstreet, owner.

#### ***LOT SIZE AND AREA:***

The subject lands have:

- 91.44 m (300 feet) of lot frontage on Upper James Street;
- 45.72 m (150 feet) of lot frontage on Stone Church Road East; and,
- 4,180.6 m<sup>2</sup> (45,000 square feet) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family home	"CR-1" (Commercial-Residential) District, modified
to the south	single-family homes	"C" (Urban Protected Residential, etc.) District
to the west	car dealership	"H" (Community Shopping and Commercial, etc.) District, modified
to the east	single-family homes	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

**OFFICIAL PLAN:**

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The proposal complies with the "COMMERCIAL" designation. The subject lands are also within Special Policy Area 31a, for which the following policies are applicable:

- "A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as Special Policy Area 31 (which includes 31a, 31b, and 31c) and designated "Commercial" on Schedule "A". The following will apply:
- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of adjacent neighbourhoods.
  - ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:

- a) in AREA "31a" mixed Commercial/Residential uses will be permitted from south of Chipman Avenue/Blossom Lane to Stone Church Road (excluding the car dealership). Such uses will be developed at a height, scale and intensity compatible with the nature of the commercial development along Upper James Street and the existing and anticipated Residential uses in the interior of the Neighbourhoods. The provisions regarding amenity, parking and other similar criteria for mixed Commercial/Residential uses, as provided in Policy A.2.2.36 will apply in the development of these uses."

The proposal does not conflict with the above-noted policies and does not conflict with the intent of the Official Plan.

#### **NEIGHBOURHOOD PLAN:**

Designated "COMMERCIAL" on the approved Jerome Neighbourhood Plan, the proposal complies with the intent of the Plan.

#### **URBAN DESIGN GUIDELINES FOR UPPER JAMES STREET:**

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Jerome Neighbourhood Plan. According to these guidelines the lands are designated to be "COMMERCIAL - GENERAL", for which the following policies are applicable:

- a front yard of not less than 24.0 m;
- a landscaped area of not less than 3.0 m in width, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance.

In addition, the subject lands are located at the intersection of Stone Church Road East and Upper James Street, for which the following policy is applicable:

- "an open space area of approximately 30 m by 30 m will be provided on each corner of the intersection; however, proposals with less than this amount of area will be reviewed on the basis of their ability to provide an attractive landscaped area."

#### **COMMENTS RECEIVED:**

- The following Agency and Department have no comment or objection:
  - Hamilton Region Conservation Authority; and,
  - Freeway Project Office.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, as a condition of development approval, sufficient lands must be dedicated to the Region to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance.

The designated road allowance width of Stone Church Road East is 30.48 m. In accordance with this designation, as a condition of development approval, sufficient lands must be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Stone Church Road East road allowance.

A 12.19 m x 12.19 m daylight triangle is also required to be dedicated to the Region, from the widened limits of Upper James Street and Stone Church Road road allowances, as a condition of development approval.

Any works which may occur within either road allowance, as widened, must conform to the Region's Road Use By-Law."

- The Traffic Department has advised that:

"We have had the revised plans forwarded to us and offer the following revised comments. Our only concern with this proposal lies in the fact that it does not include all of the designated commercial property at this corner. As a result, the potential for several unrelated and uncoordinated commercial developments being developed on these sites exists. We would prefer to see a single, designed commercial node rather than a haphazard grouping of separate sites.

We therefore recommend approval of the requested zoning on the condition that the applicants provide a site plan which incorporates all of the commercially designated lands in this corner."

- The Building Department has advised that:

"A. To consider Upper James Street as the front lot line, the requirements are as follows:

1. FRONT YARD: 12.0 m (39.37')
2. REAR YARD: 6.0 m (19.69')
3. CANOPY: 10.5 m (34.45') from Upper James Street
4. a 3.0 m wide planting strip along the easterly lot line

5. a 1.2 m minimum to 2.0 m maximum visual barrier along the easterly lot line
  6. any building located on the 6.0 m sewer easement may contravene the Agreement
- B. To consider Stone Church Road East as the front lot line, the requirements are as follows:
1. FRONT YARD: 12.0 m (39.37')
  2. REAR YARD: 6.0 m (19.69')
  3. EAST SIDE YARD: 6.0 m (19.69')
  4. a 3.0 m wide planting strip along the easterly lot line
  5. a 1.2 m minimum to 2.0 m maximum visual barrier along the easterly lot line
- C. The parking and loading requirements for a total floor area of 622.42 m<sup>2</sup> are as follows:
1. PARKING SPACES: 6
  2. LOADING SPACES: 1 - 3.7 m x 9.0 m x 4.3 m
- D. No sign locations are indicated to determine compliance."

**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Jerome Neighbourhood Plan.
3. The subject property forms approximately the westerly half of the area designated for "Commercial" use in the approved Neighbourhood Plan. Ideally, the entire area should be developed on a comprehensive basis. In this regard, the applicant also owns the easterly portion of the designated area (No. 21 Stone Church Road East). However, the balance of the area (Nos. 15 and 17 Stone Church Road East) is owned by a second party. The applicant has verbally advised that, to date, their attempts to acquire the remaining lands have been unsuccessful.

However, the proposal has merit and can be supported for the following reasons:

- i) it implements the intent of the Official Plan and the approved Jerome Neighbourhood Plan which designates the lands for "Commercial" use;

- ii) it does not preclude the future integration of this development with the adjoining commercially designated lands to the east (nos. 15-21 Stone Church Road East); and,
  - iii) the requested zoning is appropriate for the subject development.
4. It should be noted that the "Upper James Street - Urban Design Guidelines" are intended to provide direction for development, and are not mandatory. Individual circumstances and development trends in the surrounding area will influence the extent to which the guidelines are utilized.

The following is an analysis of the applicable policies:

- Landscaping

The Urban Design guidelines suggest that an open space area of approximately 30 m x 30 m be provided at the north-east corner of Stone Church Road and Upper James Street; however, proposals with less than this amount can be reviewed on an individual basis to determine "...their ability to provide an attractive landscaped area."

APPENDIX "B" illustrates how the Urban Design Guidelines would apply to the subject lands with the 30 m x 30 m open space area at the corner and the 3 m landscaped strip along Upper James Street (except for vehicular accesses). As shown, the guidelines would severely limit the development potential of the site. On this basis, alternative landscaping treatment was investigated with a view to enhancing the site as well as providing for an appropriate building location.

The alternative landscaping treatment (APPENDIX "C") provides for a 6 m landscaped strip along both the Upper James Street and Stone Church Road frontages, except for vehicular access. This scheme provides for approximately 19.2% of the lot area to be landscaped whereas the proposed guidelines result in about 25% of the lot area landscaped. The difference between the 2 concepts is minor.

In addition, the concept on APPENDIX "C" would allow the retail commercial building to be oriented towards the corner of the site to complement the location of the Barton Stone United Church on the south-west corner of Upper James and Stone Church Road East. The gas bar and parking area would be located to the north along the Upper James Street frontage (see APPENDIX "D").

- Internal Service Roads and Building Setbacks

The Guidelines provide for internal service roads (21 m) between developments to minimize accesses onto Upper James Street. As a result, a 24 m building setback is required from the front lot line. Given the size of the property, a 24 m setback would have a significant impact on the development potential of the site (see APPENDIX "B"), in that it would only leave a maximum building depth of 15 m ( 45 m - 3 m landscaped strip - 21 m internal service road - 6 m rear yard = 15 m).

It should be noted that the absence of the service road on this site would not prejudice the provision of an internal service road for the balance of the lands fronting on Upper James Street. In addition, the development of this site does not preclude a future link with the lands to the north which could be accommodated on the site plan.

The rear internal service road would be located on the lands at No. 21 Stone Church Road East.

Under the general "HH" District regulations, the minimum front yard setback is 12 m.

From an Urban Design perspective, siting the commercial building in the southwest quadrant of the site would visually enhance the Upper James Street/Stone Church Road intersection by complementing the existing church's location. However, the setback requirements, as noted above, would preclude this preferred location. In this regard, it is suggested that the front yard setback be reduced to 6 m to allow the location of the building near the south-west corner of the lot.

Based on the foregoing, it would be appropriate to alter the design guidelines to achieve a more functional and aesthetically pleasing development by:

- 1) reducing the 30 m x 30 m open space area and providing a minimum 6 m landscaped strip along both Upper James and Stone Church Road Street frontages, excluding any area(s) used for vehicular access;
- 2) eliminating the internal service road; and,

- 3) allowing the building to be located within 6 m of the front lot line, whereas 24 m is suggested in the design guidelines and 12 m is required under the Zoning By-law.
5. In addition to the urban design guidelines, it would be beneficial to include the following variances as special requirements:
  - Stone Church Road frontage - Southerly Lot Line

The "HH" District provisions do not require a side yard. However, a 6 m setback should be incorporated in the by-law to ensure the building is setback at least 6 m from Stone Church Road East.
  - Visual Barrier

Since the existing lands to the east are used for residential purposes, it would be appropriate to require a visual barrier not less than 1.2 m and not more than 2.0 m in height and a 1.5 m wide landscaped strip along the easterly lot line, as proposed by the applicant. If the adjoining lands to the east are developed for commercial purposes in conjunction with this site, then these requirements maybe removed/altered.
6. The agent has submitted a preliminary concept plan (see APPENDIX "D") incorporating the suggested urban design features (6 m landscaped strips, orientation of the commercial building, etc.). In addition, the design includes a 1.5 m wide landscaped strip and a visual barrier to be provided along the easterly lot line which will be incorporated into the by-law as special provisions.
7. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as road widenings, parking, landscaping, fencing, and the implementation of the Design Guidelines for Upper James Street will be addressed, through site plan approval. Given the site constraints, the implementation of the modified Urban Design Guidelines, and the possible future redevelopment of the lands immediately to the east, it would be appropriate to hold the amending by-law in abeyance until such time as:

- 1) the applicant applies for and receives site plan approval, including a design concept for the future development of the adjoining lands to the east (Nos. 15-21 Stone Church Road East) and the provision for a potential future link with the adjoining lands to the north; and,
- 2) the site plan is registered on the title of the land.

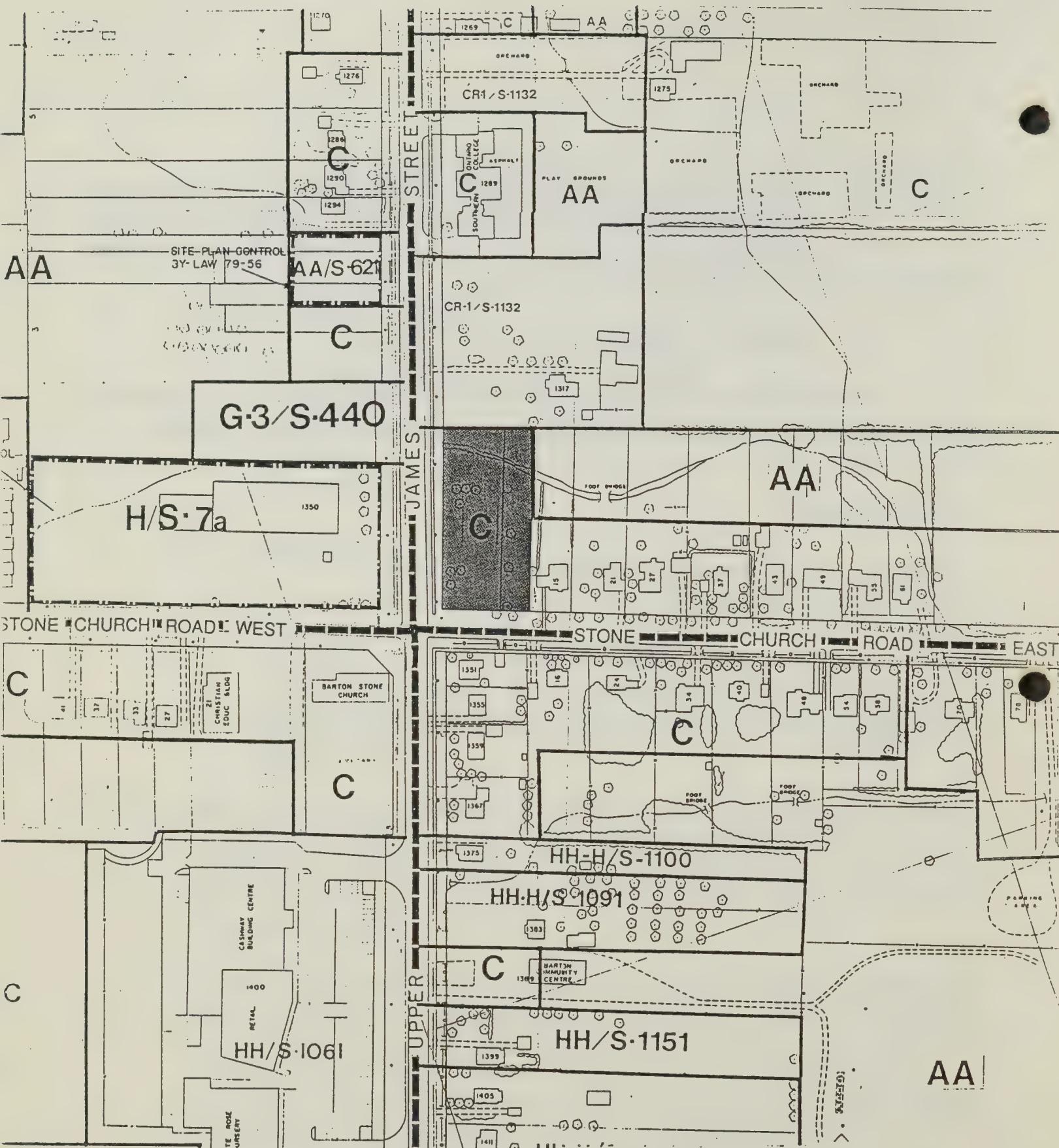
The agent for the applicant has agreed that the amending By-law not be forwarded for passage by City Council until the site plans are approved for the subject lands.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

MLT/JHE:ma

WPZA9114

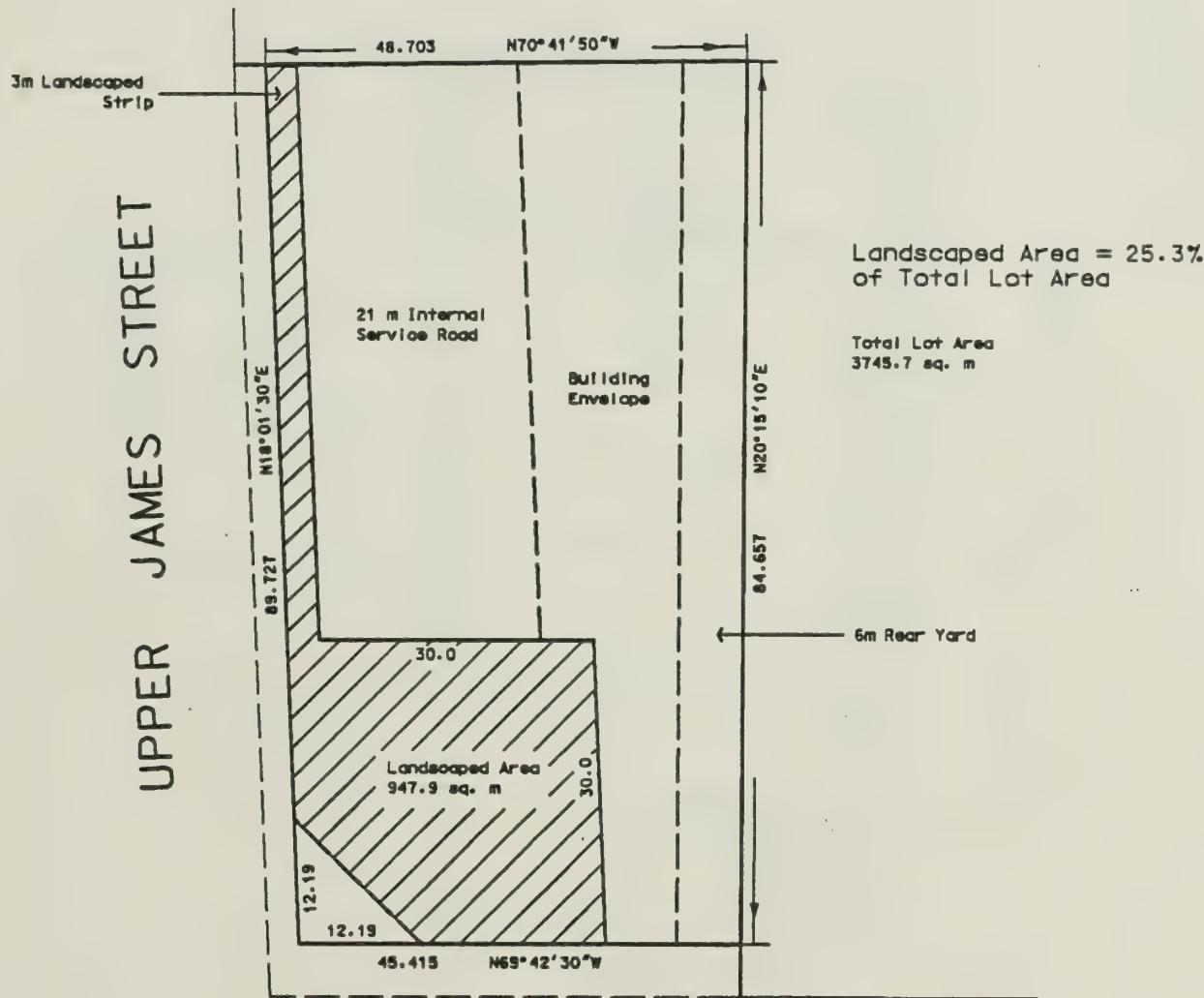


## Legend

### **Sites of the Application**

A house-shaped stamp with a black border. Inside the house, the text "ZA-91-14" is written in a stylized font.

## APPENDIX A



NOTE: All dimensions are in metres

## City of Hamilton

Potential Development Implementing  
Urban Design Guidelines

## APPENDIX B

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

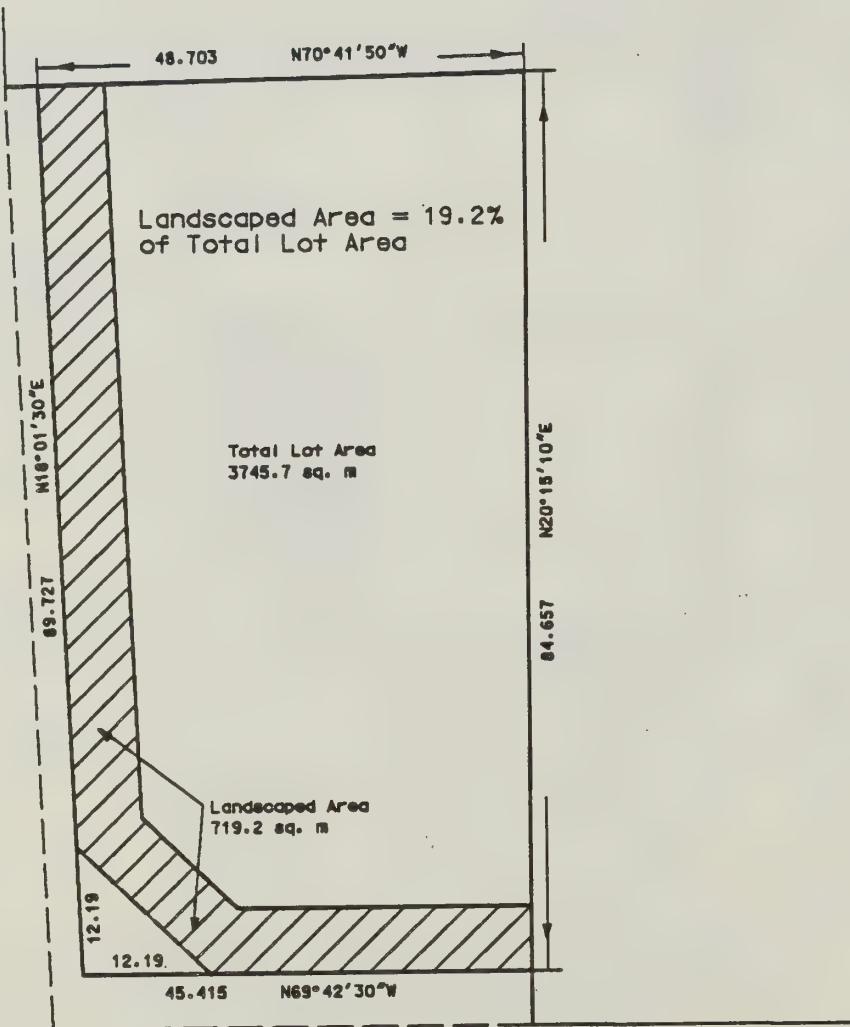
### Legend



Landscaped Area

North	Scale 1:750	Reference File No. ZA91-14
	Date MAY, 1991	Drawn By T.A.

UPPER JAMES STREET



STONE CHURCH ROAD EAST

NOTE: All dimensions are in metres

City of Hamilton

Potential Development

APPENDIX C

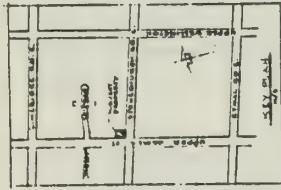
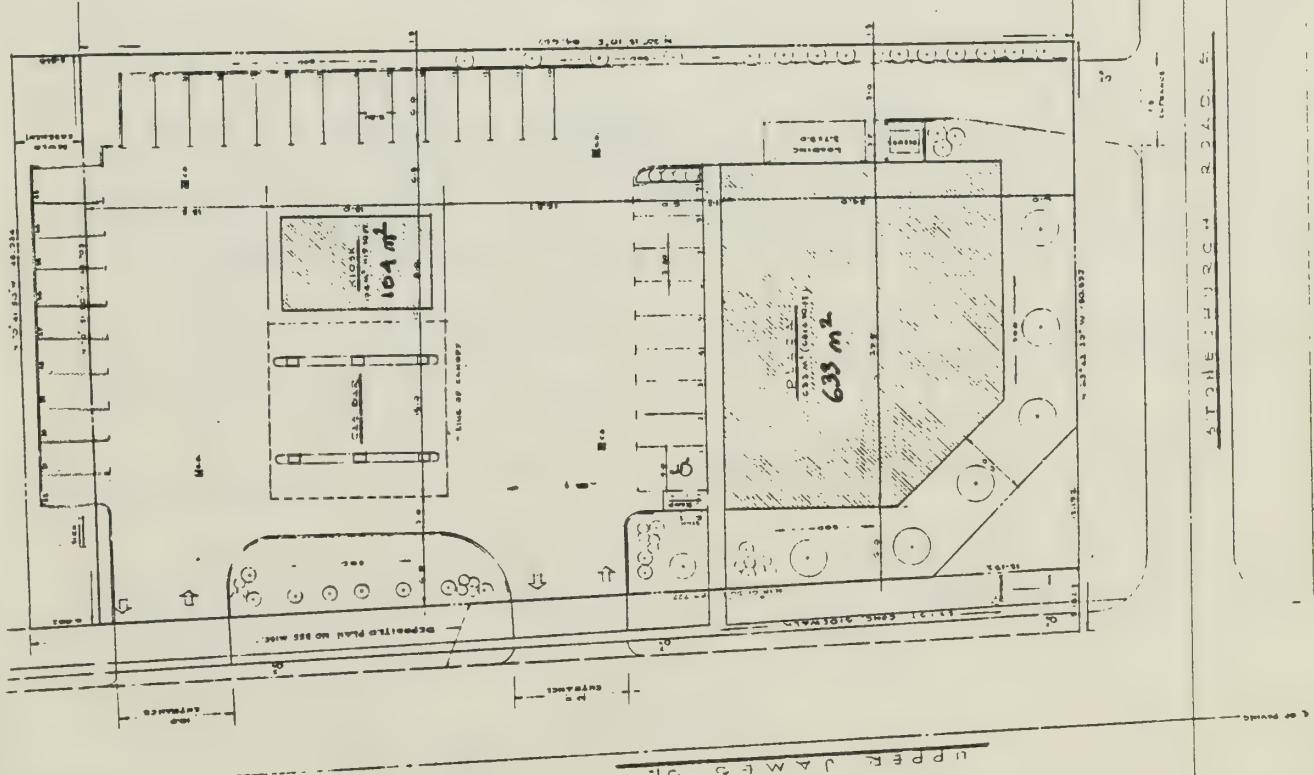
Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Landscaped Area

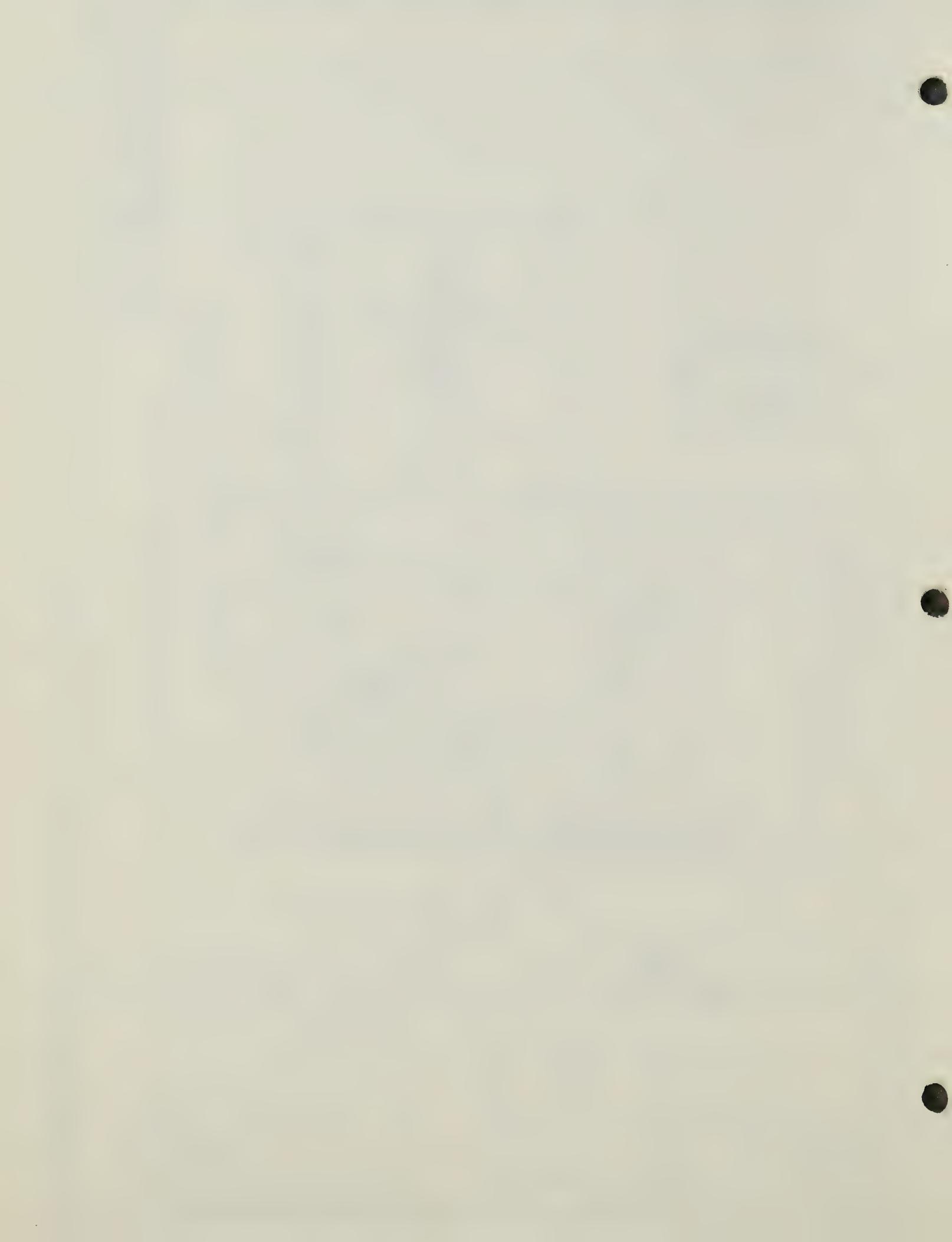
North	Scale 1:750	Reference File No. ZA91-14
	Date MAY, 1991	Drawn By T.A.



DETAIL OF DEVELOPMENT

LOT AREA	40000	40000
BUILDING AREA	7500	7500
BUILDINGS FT.	100	100
PARKING	32 SPACES	32 SPACES
LOADING	10000	10000
	1 PAGE	1 PAGE

## APPENDIX D



MAY 30 19

17a.

111 Stone Church Road East  
Hamilton, Ontario  
L9B 1A8

May 27, 1991

The Corporation of the City of Hamilton,  
Planning and Development Department,  
City of Hamilton City Hall,  
Hamilton, Ontario,  
L8N 3T4

Re: Application for rezoning

Location: Upper James Street and Stone Church Road East  


Dear Sirs:

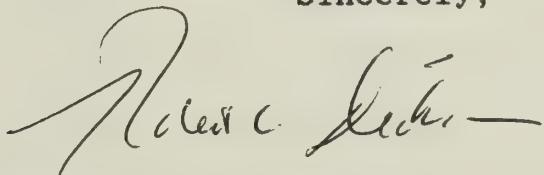
We are today in receipt of notification of a public meeting to be held at 11:00 am Wednesday June 19, 1991 in Room 233, City Hall to consider application ZA-91-14. We wish to officially register opposition to the application, on a number of grounds. Among many are the following:

(a) Such rezoning and development would contribute to the appalling appearance of Upper James Street as a major entrance to the City of Hamilton.

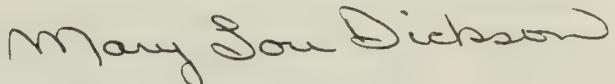
(b) There is no need for additional "gas bars" on Upper James Street.

(c) Such rezoning would not conform to the Jerome neighbourhood plan - prepared with such care and detail by your department.

Sincerely,



Robert C. Dickson Ph.D., M.D., C.C.F.P.



Mary Lou Dickson B.A.

cc. Mr. John Gallagher, Alderman

RECEIVED

APR 5 1991

Robert C. Dickson Ph.D., M.D.

111 Stone Church Road East  
Hamilton, Ontario  
L9B 1A8

CITY CLERKS

April 7, 1991

Planning and Development Department,  
City of Hamilton

Re: Application for rezoning  
Location: 1341 Upper James Street  


Dear Sirs:

A sign has been posted on the above property, indicating that application has been made to rezone the property from "C" to "HH". Proposed use is to locate a "gas bar" and "two retail/commercial buildings".

We wish to officially register opposition to the application, on a number of grounds. Among many are the following:

(a) Such rezoning and development would contribute to the appalling appearance of Upper James Street as a major entrance to the City of Hamilton.

(b) There is no need for additional "gas bars" on Upper James Street.

(c) Such rezoning would not conform to the Jerome neighbourhood plan - prepared with such care and detail by your department.

Please place our names on your mailing list and advise us of any amendments to the application or meetings at which it may be discussed or presented for approval.

Sincerely,



Robert C. Dickson Ph.D., M.D., C.C.F.P.



Mary Lou Dickson B.A.

cc. Mr. John Gallagher, Alderman

17b.

## REZONING/BARTON STONE

May 28, 1991

NOT

Application has been made, for the property located on the North/East corner of Upper James Street and Stone Church Road East to be rezoned for development.

Public Meeting Rm 233 City Hall, 11 am Wed June 19, 1991

Application: For rezoning from "C" to "HH".

Proposed use: Gas bar and two retail/commercial buildings.

Reference: File No. ZA-91-14.

Attention: Planning and Development Department,  
The Corporation of the City of Hamilton

Such development is not in accordance with the Jerome neighbourhood plan developed by the Planning and Development Department of the City of Hamilton.

Such development would be unattractive in such close proximity to Barton Stone United Church, and would increase traffic and noise problems at an already busy and dangerous corner.

We, as current or past members of Barton Stone United Church, oppose the application for rezoning:

Name	Address	Date
Lewis Jones	1460 Laeb.	June 2/91
Gene Dickson	111 Stone Church E.	"
Charlotte Young	156 Ryndall Rd. E. Hmtn	"
Cathy Morrallee	367 Upper Paradise Rd	"
Cathy Morrallee	86 Horking Dr.	June 2/91
Dixie Berry	181 MacNal St K9B 2P2 Hamilton	June 2/91
Malcolm Sethouse	164 Ryndal Rd E Hamilton	
Bart Forbes	273 Cawbrook Dr. Hamilton	June 2/91
Heile Aildred	429 East 36th St.	June 2/91

JUN 03 1991

## REZONING/BARTON STONE

P. O. M. P.

M.C.J.  
H.B.

May 28, 1991

Application has been made, for the property located on the North/East corner of Upper James Street and Stone Church Road East to be rezoned for development.

Public Meeting Rm 233 City Hall, 11 am Wed June 19, 1991

Application: For rezoning from "C" to "HH".

Proposed use: Gas bar and two retail/commercial buildings.

Reference: File No. ZA-91-14.

Attention: Planning and Development Department,  
The Corporation of the City of Hamilton

Such development is not in accordance with the Jerome neighbourhood plan developed by the Planning and Development Department of the City of Hamilton.

Such development would be unattractive in such close proximity to Barton Stone United Church, and would increase traffic and noise problems at an already busy and dangerous corner.

We, as members of the Official Board of Barton Stone United Church, oppose the application for rezoning.

*Mr. Duran  
M. Lesley  
166 Mountain View Ave #501  
Hamilton  
Simon Parker  
107 Eleanor Ave  
Dion Massey  
9270 Twenty Rd  
RR#1 Mt Hope  
M. Wallace  
Greg Money  
Kathy Scott*

*8040 TWENTY RD E. Lamm  
Doris West  
410 Brugadoen Dr.  
Bob Barbosa  
1408 Charles St. Ham.  
Barbara Croft  
1472 Upper Gage 1422 m.  
J. C. Cockett  
1472 UPPER GAGE*

*RR#2 Hannon  
273 Cranbrook*

## REZONING/BARTON STONE

May 28, 1991

Application has been made, for the property located on the North/East corner of Upper James Street and Stone Church Road East to be rezoned for development.

Public Meeting Rm 233 City Hall, 11 am Wed June 19, 1991

Application: For rezoning from "C" to "HH".

Proposed use: Gas bar and two retail/commercial buildings.

Reference: File No. ZA-91-14.

Attention: Planning and Development Department,  
The Corporation of the City of Hamilton

Such development is not in accordance with the Jerome neighbourhood plan developed by the Planning and Development Department of the City of Hamilton.

Such development would be unattractive in such close proximity to Barton Stone United Church, and would increase traffic and noise problems at an already busy and dangerous corner.

We, as current or past members of Barton Stone United Church, oppose the application for rezoning:

Name	Address	Date
Penou Butler	61 Gates Lane	June 2/91
Vera Flowers	12 St. Varga Ten	June 2/91
Ariad Castle	170 Bonaventure Dr	June 2/91
Sordan Morella	362 Upper Dundas Rd.	Jan 7/91
Mrs P. Murray	192 Alderson Dr	June 7/91
Tom Lakes	6 Hugo Court	June 9/91
Joyce Gregory	124 Aldercost	June 9/91
Bruce Lord	2644 Half C. N.Y.M.	June 9/91

## REZONING/BARTON STONE

May 28, 1991

Application has been made, for the property located on the North/East corner of Upper James Street and Stone Church Road East to be rezoned for development.

Public Meeting Rm 233 City Hall, 11 am Wed June 19, 1991

Application: For rezoning from "C" to "HH".

Proposed use: Gas bar and two retail/commercial buildings.

Reference: File No. ZA-91-14.

Attention: Planning and Development Department,  
The Corporation of the City of Hamilton

Such development is not in accordance with the Jerome neighbourhood plan developed by the Planning and Development Department of the City of Hamilton.

Such development would be unattractive in such close proximity to Barton Stone United Church, and would increase traffic and noise problems at an already busy and dangerous corner.

We, as current or past members of Barton Stone United Church, oppose the application for rezoning:

Name	Address	Date
M Buchanan	162 Rynd Rd E	June 2/91
Wendy Long	15 Living MacGregor Dr. Cambridge Ont.	June 9/91
Bill Major	53 Edgecomb Ave North York, Ont	June 9/91
Geo Jaap	123 Rynd Rd W	
Laura Beveridge	115 Eleanor Ave.	June 9/91
Cindy Wals L	74 Dublin Dr	June 10/91
Jeff Baker	44 Oakmount Cr.	June 9/91

## REZONING/BARTON STONE

May 28, 1991

Application has been made, for the property located on the North/East corner of Upper James Street and Stone Church Road East to be rezoned for development.

Public Meeting Rm 233 City Hall, 11 am Wed June 19, 1991

Application: For rezoning from "C" to "HH".

Proposed use: Gas bar and two retail/commercial buildings.

Reference: File No. ZA-91-14.

Attention: Planning and Development Department,  
The Corporation of the City of Hamilton

Such development is not in accordance with the Jerome neighbourhood plan developed by the Planning and Development Department of the City of Hamilton.

Such development would be unattractive in such close proximity to Barton Stone United Church, and would increase traffic and noise problems at an already busy and dangerous corner.

We, as current or past members of Barton Stone United Church, oppose the application for rezoning:

<u>Name</u>	<u>Address</u>	<u>Date</u>
Margaret Hids	397 Brigadoon Dr.	June 2/91
McNamee Gunning	399 Brigadoon Dr.	June 2/91
E. Terpenning	33 Lakes Lane	June 2/91
M. Bryant	227 West 38 <sup>th</sup> Ham	June 2/91
Bob. Bryant	137 West 33 <sup>rd</sup> Ham	June 2/91
Joan Halness	148 Chesley St. Ham	- June 2/91
Lothy Book	42 Strathcona Ave S.	June 2/91

## REZONING/BARTON STONE

May 28, 1991

Application has been made, for the property located on the North/East corner of Upper James Street and Stone Church Road East to be rezoned for development.

Public Meeting Rm 233 City Hall, 11 am Wed June 19, 1991

Application: For rezoning from "C" to "HH".

Proposed use: Gas bar and two retail/commercial buildings.

Reference: File No. ZA-91-14.

Attention: Planning and Development Department,  
The Corporation of the City of Hamilton

Such development is not in accordance with the Jerome neighbourhood plan developed by the Planning and Development Department of the City of Hamilton.

Such development would be unattractive in such close proximity to Barton Stone United Church, and would increase traffic and noise problems at an already busy and dangerous corner.

We, as current or past members of Barton Stone United Church, oppose the application for rezoning:

<u>Name</u>	<u>Address</u>	<u>Date</u>
Elva Berry	181 MacNab St. S.	June 2 <sup>nd</sup> /1991
T. Parker	254 Queen Victoria	June 2/91 .
S. Forbes	6 Hugo Court	June 2/91
Leslie Berry	1716 Main St. W. Apt 108	June 2, 1991
D. Scam	194 Columbia Dr.	June 2, 1991.
Sandra Peters	20 Minden Ct.	June 2/91
Gloria Campbell	22 Beresford Ct.	June 2/91.
Nancy Campbell	22 Beresford Ct.	June 2/91
Bill & Jean Mcleod	9396-20 Rd Co- Mt. Hope	June 2/91.

Name	Address	Date
LARRY ECKER 1981, 88 AM	RFD 2 Hawn	June 9/91
RICK HORT	28 JAY ST	June 9/91
JAY G. JONES	1981, 81 Saint Paul Ave. HORNBY 910-132 and 2nd floor of old	Information about owl birds and their behavior
JUNE JONES	"H" or "D" most common soft laid in egg	available
ST. PIERRE	9 Mottistone Cr. BHF	Information about owl birds and their behavior
H. Lucas	52 Gates Lane.	Information about owl birds and their behavior
P. Lucas	"	Information about owl birds and their behavior
PETER E. P. OTANS	36 ARNO ST	June 9/1991
Dave Brewster	73 Cardinal Dr.	June 9/91
Sig Bandin	" "	June 9/91
Karen Starkness	Smithville, Ont	June 9/91
Sondi Cook	101 Toby Cres.	9/06/91
Gordon St. Roff	" " "	
Marnie Fein	12 Colmar Pl.	June 9/91
Yvonne Spig	743 Upper Gage.	June 9/91
Kat Tunell	38 Horning Dr	June 9/91

Name	Address	Date
Mrs. M. Wels	44 Malton Dr. Hamilton	June 9/91
Howard Hess	Box 23 Copetown Ont	June 9/91
Russell & Grace Holgate	318 L. 12 Hamilton	June 9/91
Lillian Woodworth	186 Astley Ave Burlington	June 9/91
Toni Major	2736 East 27th Standard	June 9/91
Vivian Wayne	38 Elmhurst Dr.	June 9/91
Jane Wayne	164 Quaker Cres.	June 9/91
Betty Mattusse	51 Gregory Dr.	June 9/91
Jenny Mattusse	25 Churchill St. Hamilton	9/1/06 - 09
Clarence H. Wilson	335 Charlton W.	
Sue Major	53 Edgecombe Ave	Hamilton Ont.
Christine Fullarton	78 Delaware Ave	June 9/91.
Karold R. Parker	107 Eleanor Ave	June 9/91
Barbara Cary	92 Forest Hill	
Vera Massey	403-40 Warresford	June 9/91.
Charlene Smith	3 Mentors Court	"
Dee Hess	1520 8th St.	June 9/91
Jeanne Pearce	95 Bunker Hill Dr.	June 9/91

William Toff 101 Foley Cols. Hon. June 9/91

REPORT OF THE ATTORNEY GENERAL

1991-05-20M

to persons who would be able to identify and apprehend  
persons who have been responsible for the killing of the defendant and  
the killing of the victim.

1991-05-20M - The FBI Laboratory has received a sample of blood

"BB" of the victim which was obtained from the  
victim's mouth. The sample contains no blood groupable  
material and no evidence of any other substances.

The victim died as a result of a bullet wound to the head.

1991-05-20M - The FBI Laboratory has received a sample of  
blood "BB" which was obtained from the victim.

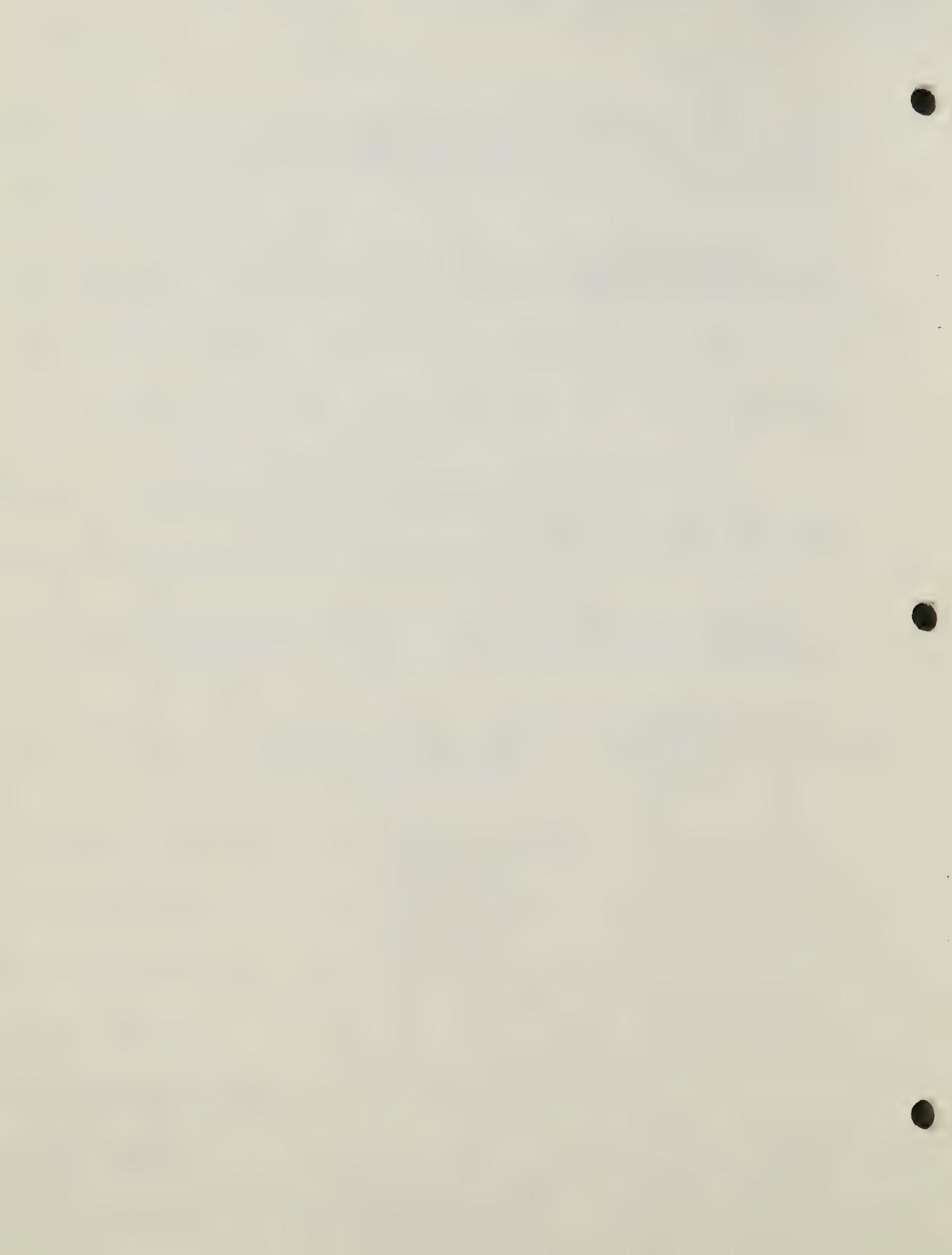
1991-05-20M - The FBI Laboratory has received a sample of  
blood "BB" which was obtained from the victim.

1991-05-20M - The FBI Laboratory has received a sample of  
blood "BB" which was obtained from the victim.

BB

BB

BB



17c.

Secretary  
Planning and Development  
Committee  
City, Hall  
71 Main Street West  
Hamilton, Ontario

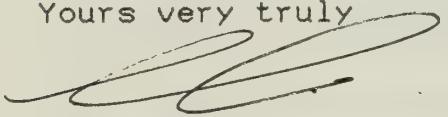
June 12, 1991

Dear Sir

On planning department file ZA-91-14 an application has been submitted to change the zoning on the North East corner of Upper James and Stonechurch Road to "HH". I oppose the zone change for the following reasons: Mr Hemstreets drawing of proposed buildings are on our lot line at 15 Stonechurch Road East. There is not set back from residential and agriculture zoned properties.

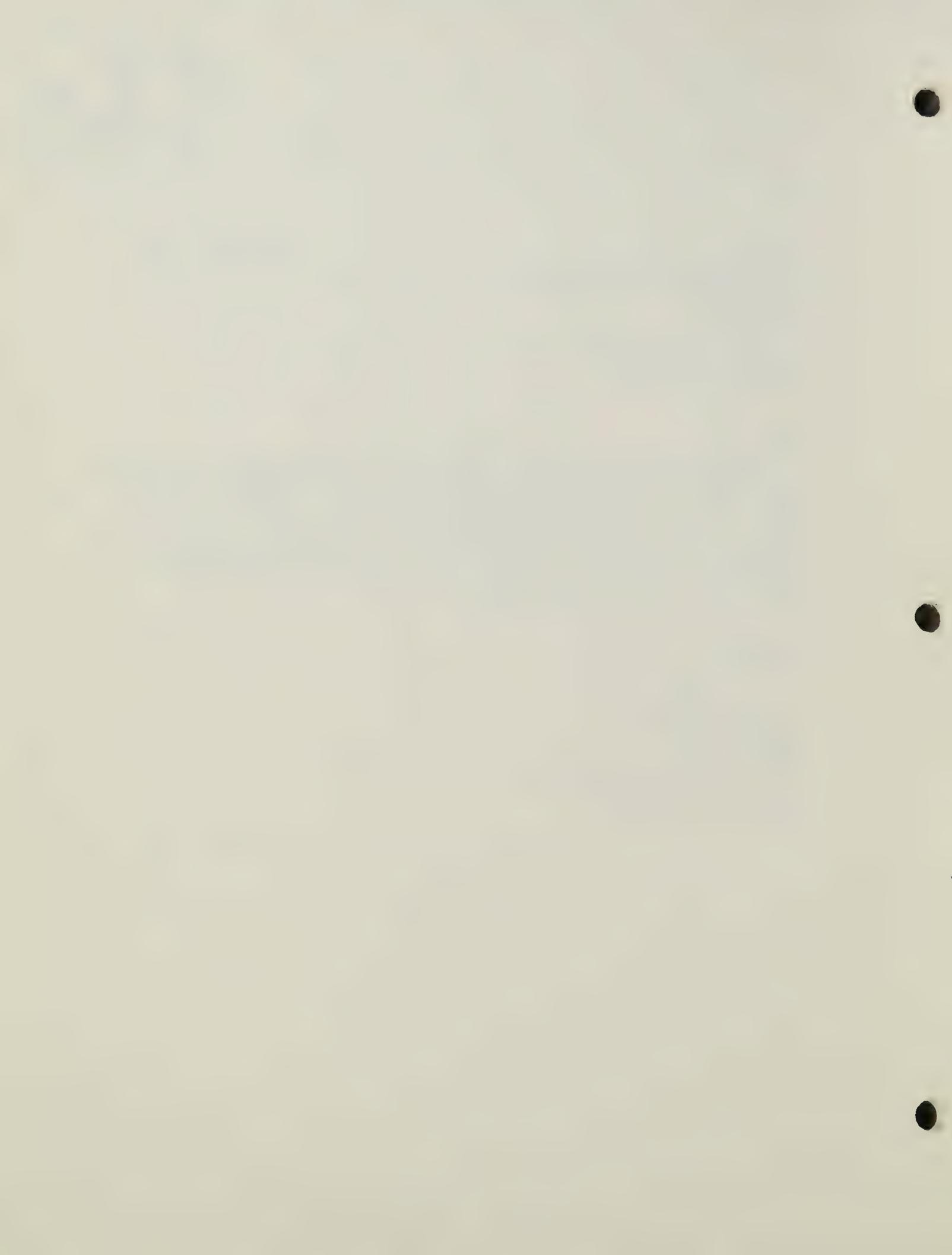
I remain

Yours very truly



Ronald Wowk

15 Stonechurch Road East  
P.O. Box 6220 Sta. F  
Hamilton, Ontario



18.

CITY OF HAMILTON  
- RECOMMENDATION -

**DATE:** June 6, 1991  
ZA-91-16; Landsdale Neighbourhood

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Repeal of a By-law and a request for a modification in Zoning - Nos. 25 and 27 West Avenue North.

**RECOMMENDATIONS:**

- 1) That approval be given to amended Zoning Application 91-16, Trillium Funeral Services Corp, owner, requesting the repeal of By-law No. 90-31 and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc) District regulations (Block "1"), to permit the re-establishment of the original "E" District zoning to reflect the existing residential use of the subject properties, for lands located at Nos. 25 and 27 West Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That By-law 90-31 be repealed in its entirety;
  - ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
    - a) That notwithstanding Sections 11.(3) and (4) and Section 18.(3)(vi)(b), the location of the existing single-family dwelling (No. 25 West Avenue North) and two-family dwelling (No. 27 West Avenue North) at the date of the passing of the by-law shall be permitted.
  - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-13 be notated S- ;
  - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;

- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
  - vii) That the approved Lansdale Neighbourhood Plan be amended by redesignating Blocks "1" and "2" from "COMMERCIAL" to "MEDIUM DENSITY APARTMENTS".
- 2) That the by-law not be passed by City Council until such time as the applicant enters into an Encroachment Agreement with the City to the satisfaction of the Hamilton-Wentworth Engineering Department.

#### **EXPLANATORY NOTE:**

The purpose of the by-law is to repeal the existing by-law on the property (By-law No. 91-30) and to provide for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc) District regulations, for the properties located at Nos. 25 and 27 West Avenue North, shown as Block "1" on the attached map.

The effect of the original By-law No. 91-30 was to allow the reconstruction of the funeral home (Block "3"), and to expand the parking area (Blocks "1" and "2").

The effect of this By-law is to repeal By-law No. 91-30 which will allow for the re-establishment of the original "E" District zoning (Blocks "1" and "2") and to remove the special provisions of the "H" (Community Shopping and Commercial, etc.) District regulations for the funeral home (Block "3").

In addition, this by-law recognizes the existing lot widths, frontages and eave projections for the dwellings on Block "1".

J.D. Thoms  
Commissioner  
Planning and Development Department



J.A.L. Georgieff, M.C.I.P.  
Director of Local Planning

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

## **BACKGROUND:**

- Proposal

The applicant applied for and received conditional approval from the Land Division Committee (H-7-91) to sever the subject lands (Block "1") from the remaining lands (Blocks "2" and "3") and further subdivide the 2 dwelling lots. One of the conditions of approval was the successful completion of a zoning change.

- Previous Proposal

On August 29, 1989, City Council approved the change in zoning for Blocks "1" and "2" from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G-3" (Public Parking Lots) District and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "3" (see APPENDIX "A"). The intent of the rezoning was to permit the construction of a new 2 storey funeral home having a gross floor area of 1,640 m<sup>2</sup> (17,649 sq.ft.); to demolish the existing funeral home and to provide a parking lot in conjunction with the new funeral home.

The owner of the lands are not proceeding with the plans, as noted above.

## **LOT SIZE AND AREA:**

- 13.1 m (43 ft.) of lot frontage on West Avenue North;
- 37.2 m (122 ft.) of lot depth; and,
- 473.3 m<sup>2</sup> (5,094.5 sq. ft.) of lot area.

## **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling, two-family dwelling	"G-3" (Public Parking Lots) District
<u>Surrounding Lands</u>		
to the north	two and three-family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

to the south	funeral home	"G-3" (Public Parking Lots) District
		"H" (Community Shopping and Commercial, etc.) District
to the east	apartment building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	commercial	"H" (Community Shopping and Commercial, etc.) District

### OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" and within Special Policy Area 3" on Schedule "B". The following policies apply, among others:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
  - ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7.
- A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the residential policies of Subsection A.2.1 and C.7, and Policy A.2.8.1(ii):
  - i) It is the intent of Council to strengthen the residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population; and,

- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged."

The proposal does not conflict with the intent of the Plan.

## NEIGHBOURHOOD PLAN:

Blocks "1", "2" and "3" are designated "COMMERCIAL" in the approved Landsdale Neighbourhood Plan. Blocks "1" and "2" require a redesignation to "MEDIUM DENSITY APARTMENTS". The redesignation re-establishes the former Neighbourhood Plan designation.

## RESULTS OF CIRCULARIZATION:

- The following Department and Agency have no comments or objections:
  - Traffic Department; and
  - Hamilton Region Conservation Authority.
- The Building Department has advised that:
  - "1. The lands are subject to the decision of the Land Division Committee Application H-7-91.
  2. The property known as 25 West Avenue North does not provide the required 12.0 m lot width, 360.0 m<sup>2</sup> lot area and the 1.2 m northerly and southerly side yards and the eaves project further. The front porch encroaches on the road allowance of West Avenue North.
  3. The property known as 27 West Avenue North does not provide the required 12.0 m lot width, 360.0 m<sup>2</sup> lot area and the 1.2 m southerly side yard and the eaves project further.
  4. Due to this zoning application, the existing By-law 90-31 shall be amended with respect to municipal address and Section 2(a) should be deleted."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

Any works which may occur within the West Avenue North road allowance must conform to the City of Hamilton Streets By-law.

City of Hamilton Traffic Department has advised us that these lands were intended to provide parking and vehicle storage for funeral processions for the proposed new Trillium Funeral Home. It is their and our understanding that the Funeral Home will not be constructed.

Alley to rear of subject lands is public unassumed.

As a condition of zoning approval, the applicant/owner must enter into an encroachment agreement with the City for the porch encroachment on West Avenue."

#### COMMENTS:

- 1) The proposal complies with the intent of the Official Plan.
- 2) The proposal does not comply with the approved Lansdale Neighbourhood Plan. A redesignation from "COMMERCIAL" to "MEDIUM DENSITY APARTMENTS" is required for Blocks "1" and "2". The redesignation re-establishes the former Neighbourhood Plan designation.
- 3) The proposal has merit and can be supported for the following reasons:
  - a) it re-establishes the zoning which was in place prior to By-law 90-31;
  - b) the proposed "E" District is consistent with the zoning of the adjacent lands to the north and east; and,
  - c) it implements the condition of re-zoning imposed by the Land Division Committee in conjunction with approved severance application H-7-91.
- 4) The subject lands, as well as the lands to the south, have merged under one ownership. The intent of the approved severance (H-7-91) is to separate the holdings, as shown on APPENDIX "A", into 2 dwelling lots and retain one parcel for the funeral home.

The existing buildings will be located on lots which are smaller than what is permitted by the by-law (12 m vs 5.3 m and 7.8 m for lot frontage, and 360 m<sup>2</sup> vs 191.1 m<sup>2</sup> and 282.2 m<sup>2</sup> for lot area). However, the proposal is not out of character with the established lot pattern in the area which has frontages ranging from 7.6 m to 10.2 m and lot areas ranging from 214 m<sup>2</sup> to 224 m<sup>2</sup>. The variances required can be supported.

- 5) For the information of the Committee, the applicant is not proceeding with the reconstruction of the funeral home, as proposed in 1989. In this regard, it would be appropriate to repeal By-law No. 90-31 in its entirety, which will allow the lands to return to the former "E" zoning and remove the special provisions for the "H"

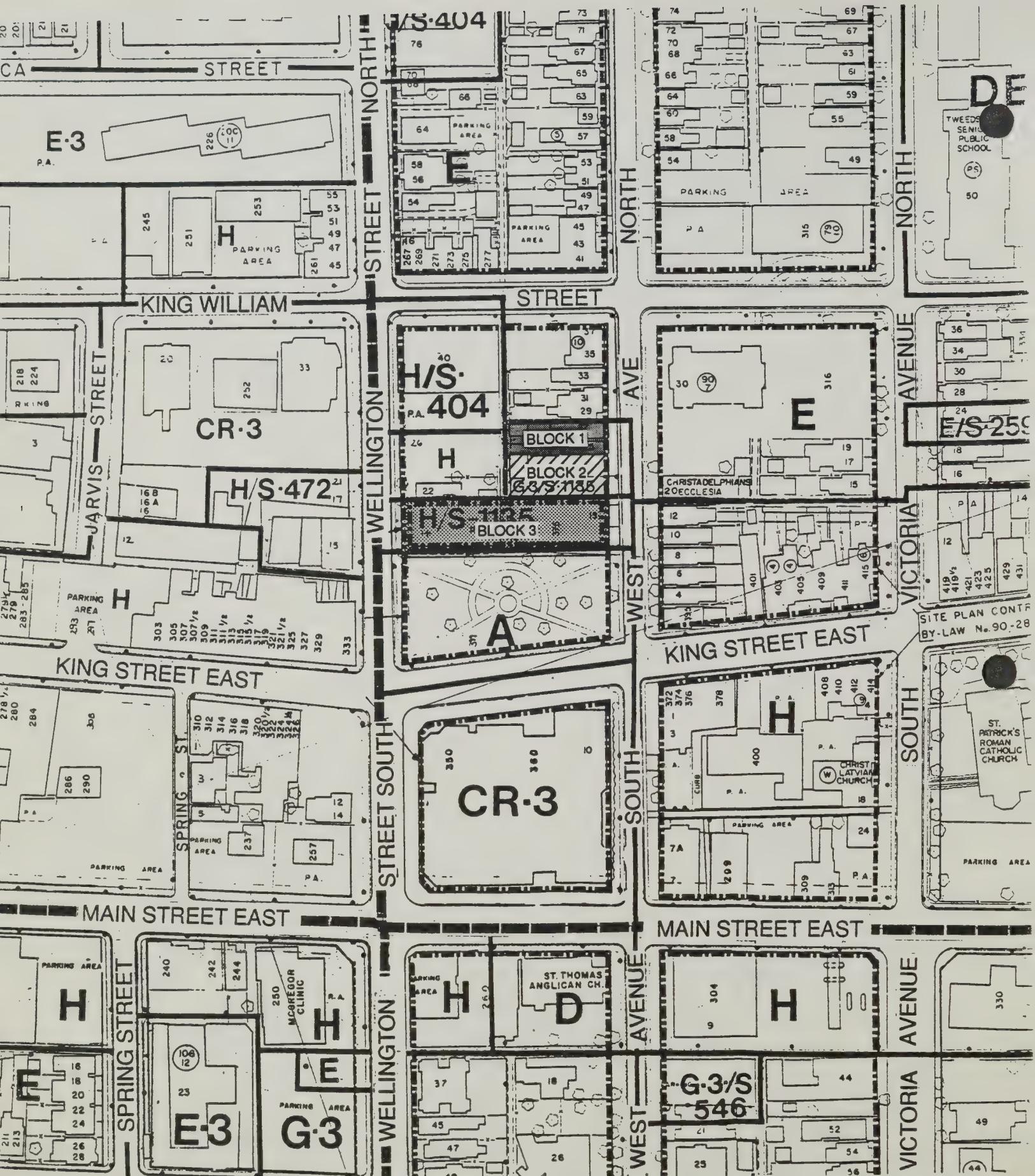
District Zoning. In addition, the funeral home will maintain its legal non-conforming status under Zoning By-law No. 6593. The agent for the applicant has agreed to have By-law No. 91-30 repealed.

- 6) The Engineering Department has advised that an encroachment agreement is necessary since the front porch of the house at No. 25 West Avenue North encroaches into the road allowance. In this regard, it would be appropriate to hold the by-law in abeyance until such time as the applicant enters into an Encroachment Agreement with the City to the satisfaction of the Hamilton-Wentworth Engineering Department.

#### **CONCLUSION:**

Based on the foregoing, the amended proposal can be supported.

JHE/ma  
WPZA9116



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

19.

**DATE:** June 12, 1991  
(P5-4-2-18)

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Housing Intensification Strategy

**RECOMMENDATION:**

That the following housing intensification strategy be adopted:

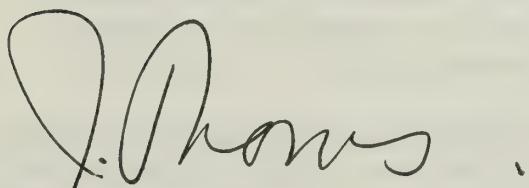
1. Enforcement of Illegal Units, Community Participation and Stability for Pre-1940 Areas
  - i) That the Province be requested to fund a Pilot Project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis;
  - ii) That in keeping with the principle of accessory units, the requirements of the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District be amended to permit a converted dwelling containing not more than two dwelling units, rather than the currently permitted three units;
  - iii) That a program be developed to identify and deal with illegally converted dwelling units;
  - iv) That as part of this strategy, the Province be once again requested to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed;
  - v) That the Building Department be requested to:
    - a) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;
    - b) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,

- c) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.
  - vi) That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.
2. Residential Conversions
- i) That the Planning and Development Department be directed to pursue with the Province the possibility of enacting special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.
  - ii) That the Zoning By-law be amended to:
    - a) permit one accessory apartment as-of-right in all existing single family dwellings in "AA", "B", "B-1", "B-2", "C", "R-2" and "D" Districts, providing the dwelling is a minimum of 20 years of age;
    - b) require at least one unit of the converted dwelling to be a minimum of 65 m<sup>2</sup> (700 sq. ft.); and,
    - c) to permit a maximum area of 50% of the front yard to be used for vehicle access, turning and parking, to protect the appearance of the street.
  - iii) That the Province be requested to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected.

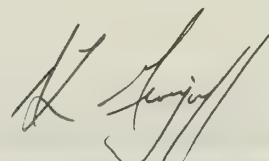
3. Redevelopment, Infill, Non-Residential Conversions and Other Initiatives

- i) That the Zoning By-law requirement in Section 14 for the "H" classification be amended to also allow conversions of up to 10 units providing the building existed prior to March 8, 1983 and as long as the ground floor frontage remains for commercial use and meets parking requirements.
- ii) That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:
  - a) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,
  - b) a program be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.
- iii) That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

- iv) That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch and that the Regional Council be requested to include this project in the Branch's Work Program.
- v) That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Update and the Provincial Housing Policy Statement Implementation Study and through the Regional Chairman's Task Force on Affordable Housing.
- vi) That the Zoning By-law be amended to create a new Zoning district, where conversions are permitted for all dwellings, regardless of age, to be used in new areas upon the request of developers, and designated in the Neighbourhood Plans.
- vii) That in the Neighbourhood Planning process, consideration should be given to the following:
  - the designation of areas where conversions can occur, regardless of the age of dwellings; and,
  - areas in which mixed residential/commercial uses can be encouraged.
- viii) That the Province be requested to increase its allocation of non-profit and co-op units to the City of Hamilton.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



A. L. Georgieff, M.C.I.P.  
Director of Local Planning

#### ***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

#### ***1.0 BACKGROUND:***

Housing intensification is the process of increasing the number of households within the existing urban fabric by making more efficient use of the existing housing stock and/or physical infrastructure. Converted dwellings are one component of housing intensification, but there are a number of equally important initiatives, such as:

- infill of new housing on vacant or underutilized lots;
- redevelopment of non-residential lands for new housing;

- home sharing within existing residential units without providing self-contained units; and,
- conversion of non-residential structures to residential use.

All these forms of housing intensification achieve the same objectives; the creation of more housing and a more efficient use of the built environment.

A number of key events have occurred over the last 18 months which have assisted in shaping the proposed housing intensification strategy outlined in this report. These events include:

1. December 1989 - Preparation of the Housing Intensification Study Background Report, which reviewed demographic and housing trends, as well as opportunities for intensification.
2. March 1990 - Preparation of the Housing Intensification Study Surveys and Analysis Report, which undertook a survey of intensification requirements in other Ontario municipalities, a review of Zoning and By-law enforcement procedures and a survey of community attitudes regarding housing intensification in 3 neighbourhoods (Homeside, Bruleville, and Central/Beasley).
3. May 23, 1990 - Presentation to Planning and Development Committee of the Draft Housing Intensification options as prepared by the Technical Steering Committee. The Committee was established to examine opportunities for housing intensification in the City.
4. July 11 and September 12, 1990 - Presentation and discussion of the Technical Steering Committee's draft options. These two meetings were well-publicized and attended and resulted in approximately 60 written submissions to the City.
5. February 20, 1991 - Presentation of the proposed strategy on housing intensification to the Planning and Development Committee, based on comments made at the two previous public meetings, submissions received and discussions with concerned citizens, politicians, interest groups and municipal departments. At this meeting, authorization was given to hold a public meeting to present and discuss the proposed strategy.
6. March 20, 1991 - Presentation and discussion of the Housing Intensification Strategy at a public meeting, attended by approximately 300 people. As a result, 27 submissions on the strategy have been received to date.

The purpose of this report is to provide the Planning and Development Committee with a final recommended strategy for housing intensification. The strategy attempts to balance local needs and concerns with the requirements of the Provincial Policy Statement on Land Use Planning for Housing. Based on comments made by the public, discussions with other departments, the CAO and representatives of the Management Team and further analysis of the various elements of the proposed strategy, possible changes to the strategy are examined in this report.

For those elements of the strategy which have caused the greatest concern, a range of options will be examined prior to reaching any conclusions.

As the previous strategy report stated, there are no quick-fixes to the problems of housing intensification, particularly residential conversions. Yet, Provincial legislation and local housing needs dictate that opportunities for housing intensification be examined.

This report is divided into the following sub-sections:

- 2.0 Review of Submissions/Comments
- 3.0 Analysis of the Proposed Strategy
  - A. Pre-1940 Areas
  - B. Housing Intensification Opportunities
- 4.0 Conclusions

## **2.0 REVIEW OF SUBMISSIONS/COMMENTS:**

In total, 27 submissions have been received as a result of the public meeting held on March 20, 1991 (See Appendix 1 for Summary). At the meeting, 31 citizens addressed the Planning and Development Committee regarding the strategy (see Minutes contained in Appendix 2). Copies of the submissions received are available for viewing in the Planning and Development Department.

The overriding theme of the comments was that the problems associated with the concentration of conversions in pre-1940 areas must be addressed. However, it was also recognized that opportunities for housing intensification must be created in the City.

These are two distinct, yet interrelated issues. While both these issues relate to housing intensification, they should be analyzed and dealt with separately, as different solutions are required for each one. Therefore, this report examines each of these issues independently.

Initiatives supporting redevelopment, infill and non-residential conversions were generally supported by the public.

The comments received provide a wide range of ideas which vary from providing more stringent controls for residential conversions, to the suggestion that all barriers inhibiting conversions be removed.

Specific comments and concerns focused on the following key issues:

A) Over-Intensification in the Pre-1940 Areas:

The impact and amount of conversions in the pre-1940 areas, particularly in Wards 3 and 4, were identified as major concerns. As illustrated in Appendix 1, the problems arising from over-intensification in existing neighbourhoods and the need for stabilization of neighbourhoods were identified as most important. Specifically, the following comments were made:

- the increased demands for on-street parking and the paving of front yards, as a result of residential conversion, has adversely affected neighbourhoods;
- residential conversions have changed the character and appearance of the pre-1940 areas because of:
  - increased noise;
  - garbage/property maintenance;
  - absentee landlords, with less stake or commitment to the neighbourhood; and,
  - external physical alterations to single-family dwellings (e.g. outside staircases);
- the intensity of conversions in some neighbourhoods or streets has altered the mix and variety of housing in neighbourhoods. Citizens have stated that in some areas and streets almost all homes have been converted.
- there is a need for stability in the pre-1940 areas. Measures must be developed to protect these areas from future conversions; and,
- the pre-1940 areas have absorbed the demand for residential conversions for the entire City for the last 40 years. It is now time for the remainder of the City to provide for its own needs.

B. Illegal Conversions

As a result of the study, illegal residential conversions have been identified as an issue of concern. Comments received from the public include:

- there are high concentrations of illegal units in the lower city resulting in problems such as:
  - health and safety problems;
  - greater demands for on-street parking;
  - loss of tax dollars;
  - changes to the streetscape;
- illegal units should be identified and deconverted;
- deconversions should not occur as displaced tenants will lose their homes. A housing intensification program must be developed which does not result in people losing their homes. The rights of tenants in illegal units need to be protected; and,

- there is a need for more flexible by-laws to allow for a variety of residential uses throughout the City. This could reduce illegal conversions, as owners have greater opportunities for conversion.

### C. Enforcement

It was generally suggested that any housing intensification strategy must address the need for improved enforcement of Zoning and Building Code infractions. Specifically, comments and submissions received called for:

- higher fines for by-law infractions (while others suggested that fines not be raised);
- inspectors be given greater powers of entry;
- attention be given to the problems associated with conversions due to absentee landlords; and,
- the City increase its enforcement of illegal units.

### D. Residential Conversion

Residential conversions have been identified as the most contentious form of housing intensification. While many of the comments received from the public supported other forms of intensification (i.e. infill, redevelopment and non-residential conversions), the majority of the comments addressed concerns with residential conversions. These include:

#### i) Owner-Occupancy Requirement

The proposed strategy calls for owner-occupancy to be a requirement for residential conversions. However, comments received noted that:

- legislation requiring owner-occupancy may be contrary to the Charter of Rights and, therefore, would be difficult to implement;
- owner-occupancy will be most difficult for the City to enforce; and,
- while owner-occupancy is desired, all other aspects of the intensification strategy should not be tied to it solely.

#### ii) 20 Year Age Requirement

The strategy proposes that a 20 year age restriction be established for residential conversions. As such, a single family dwelling must be at least 20 years old prior to being permitted to convert. Comments received from the public stated that:

- the 20 year age requirement is not equitable since some areas of the City will be allowed to convert as-of-right, while others would be reserved for single family housing over the short run; and,
- new areas should be allowed to convert, as often young families move into new homes and may need the extra income from a rental unit to afford the home.

iii) Size Requirements

The strategy recommended a change to the 65 m<sup>2</sup> (700 sq. ft.) minimum unit size requirement for converted units to require only one unit in the converted dwelling to be 700 sq. ft. The size of the remaining unit(s) would be regulated by the Building Code. Comments received ranged from the removal of all size requirements to keeping present policies intact.

iv) Parking

Parking was identified as a concern in areas where residential conversions are permitted. However, it was also suggested that present parking requirements act as a barrier to conversions and, this was suggested by some that parking requirements be reduced to encourage conversions. The strategy does not suggest any parking reductions.

### ***3.0 ANALYSIS OF THE PROPOSED STRATEGY:***

Based on comments and submissions received on the proposed strategy (Appendix "3"), two areas of concern have emerged regarding conversions. One is the need for the protection and stability of the pre-1940 areas. Numerous problems regarding the concentrations of conversions and illegal units in these areas have been identified.

The other area of concern is the requirements for residential conversions proposed by the strategy. These requirements are of particular concern since they are perceived to impact the quality of life.

As part of this analysis, various options to the concerns will be outlined. Included in the options are the previous proposals of the strategy (in bold). Other options are as a result of public comments, submissions and discussions with citizens and staff.

#### **A. PROTECTION FOR PRE-1940 AREAS**

From the comments received regarding the impact of residential conversions on the pre-1940 areas, it is clear that a comprehensive approach regarding conversions, both legal and illegal, is required. As a result, the following initiatives are examined in order to provide some stability to the pre-1940 areas of the City:

i) Pilot Project - Neighbourhood Action Program

Options:

- a) Request the Province to fund a pilot project to deal with the issues associated with residential conversions; or,
- b) Do not require a pilot project, as it would take too long to achieve any concrete results.

As noted in the previous Planning and Development report on the proposed strategy, many of the problems associated with the concentrations of conversions in the pre-1940 areas can only be dealt with at a neighbourhood scale.

A pilot project to undertake a "Neighbourhood Action Program" is suggested which would establish neighbourhood committees to review and develop a plan of action dealing with the problems associated with concentration of conversions in the pre-1940 areas. Although this approach may take some time to undertake, it is only through community consultation that local problems can be identified and properly addressed. It is proposed that a neighbourhood advisory committee be established in test neighbourhoods which would undertake the following initiatives:

- collect background information on population, land use, condition of buildings, parking, traffic, maintenance, and development potential;
- analyze information, identifying problems with concentrations of illegal units and other neighbourhood issues;
- assist in the formulation of an action plan to deal with local problems, such as traffic and parking (e.g. stop signs, use of alleys, front yard parking, boulevard parking, etc.), identifying potential areas for redevelopment, infilling, conversions, and information dissemination; and,
- prepare an action plan to deal with the problems.

It should be noted that the pilot project could be funded by the Province as it would form the basis of a model to deal with the problems of illegal units in urban centres throughout Ontario. Preliminary discussions with Ministry of Housing has indicated that the Ministry is interested in funding such a project.

It is suggested that as a priority area the Blakeley/St. Clair and Delta East and West areas be selected for the pilot projects, due to the concentration of converted units. Following the experience of the pilot projects, other neighbourhood consultations can be directed towards the Gibson, Stipeley, Lansdale and Crown Point East neighbourhoods.

ii) Over-Intensification:

Options

- a) Downsizing existing "D" Districts to only permit duplexing;
- b) Place a moratorium on further residential conversions in pre-1940 areas; or,
- c) Place tighter restrictions on residential conversions in pre-1940 areas, in order to encourage more conversions to occur in the post-1940 areas of the City.

One of the arguments in removing exclusionary barriers to residential conversions is the inequity between pre- and post-1940 areas. However, a moratorium or additional restrictions in pre-1940 areas would only create further inequitable situations. In addition, this would encourage illegal conversions as opportunities for legal conversions are reduced or eliminated.

In the pre-1940 areas of the City, many single family areas are zoned "D". This allows conversion of single family dwellings to three-dwelling units in pre-1940 buildings. Outside the pre-1940 areas, most single family areas are zoned "C" which only permits duplexing (see map Appendix "4"). It should be noted that there appears to be a difference in the nature of ownership of duplexes as compared to triplexes. A number of comments from the public noted that problems associated with conversions apply more often to triplexes where there is a greater likelihood of absentee landlords. It was suggested by residents that duplexes have a greater likelihood of owner-occupancy which, as noted in the previous report, has greater benefits for the community.

In order to reduce opportunities for triplexing and limit conversions to one accessory unit, it is suggested that existing requirements of the "D" zone be revised to only allow one additional accessory unit in converted dwellings. This would allow the conversion of single family homes to only duplexes rather than triplexes. In addition, this would reduce potential concentration of converted units within neighbourhoods.

This requirement would also create some equity between areas that could be converted for 2 and 3 family dwellings, since the "D" zoned areas are predominantly within the older areas of the City.

### iii) Dealing with Illegally Converted Units

#### Options:

- a) Develop programs to identify and deal with illegal units in the City; or,
- b) Ignore illegal units already established.

It is recognized that there is a large number of illegally converted units within the City of Hamilton. Although a figure of 10,000 illegally converted units has been used, it appears to have little current basis. However, since illegally converted units have been the cause of most of the problems associated with the concentration of conversions, a program must be developed to identify and deal with illegal units in the City. In addition, the City should take steps to ensure that households are living in safe and healthy accommodations.

In conjunction with the Building and Fire Departments a grandfathering program consisting of the following steps is suggested:

- through advertising, the owners of illegal units will be invited to come forward to allow inspectors to enter the building to assess requirements and changes necessary to either meet building and zoning by-law requirements and/or to bring the building up to current health and safety regulations. If appropriate, Zoning By-law changes should be initiated;
- during this "window of opportunity" some leniency could be given to minor By-law infractions. The merits of each conversion will be evaluated on an individual basis. However, beyond this "window of opportunity", it should be made clear to owners that the only response to illegal units will be strict compliance with the building and zoning by-laws, otherwise deconversion will be required;

- to encourage owners to come forward existing home renovation grant and loan programs, can be targeted to these dwellings, in order to bring these units up to acceptable standards; and,
- in the case where owners cannot bring their units up to these standards, they will be required to deconvert.

This program is an important way to ensure that health and safety requirements have been met, so that tenants have an adequate and healthy living environment. This has been identified as a major concern to all groups and citizens in residential conversion discussions.

iv) **Enforcement**

Options:

- a) Request Province to permit greater entry rights for inspectors;
- b) Request Building Department to monitor complaints, continue enforcement of Building Code and Zoning By-laws and examine opportunities for certificates of occupancy;
- c) Increase fines for by-law infractions;
- d) Do not enforce zoning by-law requirements in regard to residential conversions; or
- e) Step-up enforcement of illegal conversions through an inspection program which would inspect all dwellings.

The proposed strategy recognizes that there is a need for increased enforcement in order to address the problems associated with illegal conversions. If by-law requirements are appropriate they should be enforced; if not, the requirements should be changed.

As such, the following initiatives as suggested in the proposed strategy, should be considered:

- building inspectors should be allowed right of entry in order to ensure that zoning and building regulations are being followed. The City has requested the Province to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors greater rights of entry;
- the Building Department should be requested to examine opportunities for Certificates of Occupancy in order to verify and uncover illegal units;
- the Building Department should continue with enforcing property standards and dirty backyard by-laws including court actions on a complaint basis;
- the Building Department monitor and report on the success of its enforcement actions to the Planning and Development Committee on a regular basis; and,

- the City should increase fines for contravention of a zoning by-law. The City has increased its fines to a maximum of \$20,000 for an individual, and \$50,000 for a corporation for contravention of the Zoning By-law, as provided in the Planning Act.

v) **Parking**

Options:

- a) Restrict vehicle parking turning and access to a maximum 50% of the front yard to help maintain the character of single family areas;
- b) Maintain current by-law requirement for parking (i.e. 2 spaces for a duplex, 4 spaces for a triplex);
- c) Reduce parking requirements to create more intensification opportunities; or,
- d) Prohibit the removal of front porches and verandas for parking.

As verandas and front porches can be removed for a variety of reasons, it is not suggested they be prohibited from demolition for parking. In addition, the demolition of a veranda in some cases may enhance the appearance of the dwelling.

To preserve the single family character of areas, the strategy proposes that front yard parking be restricted to a maximum of 50% of the front yard area. This will ensure that at least 50% of the front yard remains landscaped. Presently, along certain streets front yards are used entirely for parking which drastically alters the residential character of the area.

With regard to the option for reduced parking, no further changes are suggested to the current parking requirements, as there are other initiatives in the strategy which will create further opportunities for residential conversions.

The "Neighbourhood Action Program" should deal with innovative solutions to current parking problems, such as locating and providing off-street parking in areas where on-street parking is a problem.

vi) **Increased Conversion Opportunities**

As identified by the public, a key element in reducing the impact of the concentration of conversions in the pre-1940 areas to increase residential conversion opportunities throughout the City. This element of the strategy will be addressed in the following section.

B) **RESIDENTIAL CONVERSIONS**

As previously stated, residential conversions can be the most cost effective form of housing intensification, thereby resulting in affordable rental housing.

Residential conversions are a function of rental housing supply and demand. In the past, high demands for rental accommodation have resulted in continued low vacancy rates. As a result, owners of single family homes have found it financially attractive to convert to duplexes and triplexes. However, as vacancy rates continue to rise there will be less and less conversions occurring. In fact, if rates are high, a trend towards the deconversion of previously converted dwellings back to single-family dwellings can be expected. It must be recognized that residential conversions are a market driven form of affordable housing and the supply of this form of rental housing will vary, depending on the market. Certainly, as a form of affordable rental housing, converted housing is not a secure supply. Other initiatives, such as non-profit and co-op housing must still be provided to assure a long term supply of affordable housing.

As evidenced by CMHC's rental apartment vacancy rate statistics, the demand for converted units has weakened considerably over the past two years. In April, 1989, the vacancy rate for rental units in structures with 3-5 units was 2.2%; by April 1991, the vacancy rate had increased to 5.5%. A rate between 2.0 to 3.0% is regarded as a competitive marketplace. This slowing in the demand for converted units is consistent with overall trends in the rental marketplace, where the vacancy rate for units in structures with 6 or more units has risen from 0.4% in April, 1989 to 1.4% in April, 1991.

Based on comments received from the public, the following aspects of the proposed residential strategy must be revisited:

i) Owner-Occupancy and Requirements

Options:

- a) **Require owner-occupancy for all residential conversions.  
Provincial legislation is required to do this;**
- b) Pursue the possibility of owner-occupancy with the Province.  
However, do not make it a requirement of residential conversions;  
or,
- c) Drop the owner-occupancy requirement from the strategy.

In the proposed strategy, owner-occupancy was identified as the most effective mechanism to deal with the problems associated with absentee landlords. As a result, the strategy suggested that owner-occupancy be a requirement for residential conversions. However, in light of the need for Provincial legislation to require owner-occupancy and the question of the compliance to the Charter of Rights, it is suggested that this not be a requirement for residential conversions.

Other Ontario municipalities have recognized the importance of owner-occupancy. Etobicoke has undertaken an Official Plan Amendment that requires owner-occupancy for conversion. In addition, other municipalities such as Burlington and Scarborough have examined and considered owner-occupancy as a requirement.

Opportunities for owner-occupancy should still be pursued with the Province since this requirement has merit. In addition, current renovation programs administered by the City, should require owner-occupancy when residential conversions occur.

ii) Age Limits

Options:

- a) Existing single-family homes must be a minimum of 20 years before conversion can be permitted;
- b) The suggested 20 year age limit should be removed;
- c) An age limit should restrict conversions to post 1940 dwellings;
- d) The 1940 age requirement should stay as is; and,
- e) No conversions should be allowed.

The need for intensification and equity has been recognized in this and previous reports.

The 20 year requirement was originally selected since this is tied to the aging of a household, which is the time children grow up and move out of the house, creating opportunities for intensification. Specifically:

- there is demand for single family areas. If not provided, households could choose to locate outside the City where this form of housing is provided;
- there may be some relocation of higher cost housing to other municipalities, since developers cannot assure single family housing. Higher-end housing is as important to a community as affordable housing;
- no housing is protected forever, as all housing will be eligible for conversion, eventually; and,
- house prices could rise as builders pass on costs for already converted homes to new buyers.

While comments from both housing advocates and pre-1940 area residents suggested the elimination of the 20 year requirement from the housing strategy, an age restriction still has merit from a planning perspective. Official Plan Policies calls for a variety of housing types and styles. With as-of-right conversions, there would be no single family areas. As a result, people who wanted this form of housing would have to locate outside the City. Until all municipalities provide for as-of-right conversions, some single family housing stock should be provided in Hamilton.

Therefore, the 20 year age limit should still be considered as part of the strategy. With a 20 year requirement, all housing would eventually be eligible for conversion. In addition, there remains considerable opportunities for conversion in most areas of the City.

iii) Size of Units

Options:

- a) Require at least one unit of the converted dwelling to be a minimum of  $65 \text{ m}^2$  (700 sq. ft.). The size of the remaining units will be governed by the Building Code;
- b) Keep the current 700 sq. ft. requirement for all units in a converted dwelling;
- c) Provide for a 700 sq. ft. average between all units in a converted dwelling; or,
- d) Have no size requirements. Unit size will be controlled by Building Code requirements.

The strategy proposed a reduction in the required size for housing conversions to a minimum of  $65 \text{ m}^2$  (700 sq. ft.) for one unit, with the remaining unit(s) to be controlled through the Building Code (approximately 350 ft.<sup>2</sup> for a one bedroom apartment). This implements the concept of accessory apartments, where one unit is a principal unit (preferably owner-occupied), while the remainder are smaller secondary units.

As the previous reports identified, the need for housing conversions is primarily for single-person, single-parent households and older households which have less people and require smaller units. Generally, the smaller the unit, the more affordable the rent. These requirements will also help encourage the integration of both larger and smaller households.

The strategy's proposal for one 700 sq.ft. unit is a compromise between options which call for in removal of all age requirements in the Zoning By-law inkeeping current unit size requirements. In addition, changing the "D" district requirements to only permit duplexing, will restrict conversion opportunities in older parts of the City and therefore, size reduction should not increase the number of conversions in the pre-1940 areas.

It should be noted that there appears to be no health or safety reasons for the 700 sq. ft. requirement. Health and safety is ensured through the Building Code.

iv) Taxes

Options

- a) That all converted units be properly reassessed by the Province to reflect the increase value of the conversions for the owner and the increase demand for the city services.

Many illegally converted units do not pay their fair share of taxes, because they are not assessed. Converted units will add value to a house and will impact the operating budget of the City as needed services are provided. The added value to the home and increased service costs should be recognized in the realty assessment on the building. Therefore the property taxes it pays will coincide with its value and contribute to the costs of increased services.

#### **4.0 CONCLUSIONS**

The Provincial Policy Statement on Land Use Planning for Housing requires the City of Hamilton to increase opportunities for housing intensification. However, as previously noted, such opportunities must be based on local needs and requirements. Provincial legislative change is together with the initiation of local policies and regulations is required to give the City the proper tools to implement an intensification strategy.

Any intensification strategy needs to be sensitive to the needs of the older areas which have provided for the City's intensification needs over the last 40 years. The strategy should try to maintain residential neighbourhoods. The strategy has been revised to address two distinct, yet interrelated issues:

- over intensification in pre-1940 areas; and,
- the implementation of the Provincial Policy Statement requiring increased opportunities for conversion.

The revised strategy being suggested consists of the following:

##### **A Enforcement of Illegal Units, Community Participation and Stability for Pre-1940 Areas**

- A.1 That the Province be requested to fund a Pilot Neighbourhood Action Program in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis, as contained in the proposed Terms of Reference (Appendix "5").
- A.2 That in keeping with the principle of accessory units, the requirements of the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District be amended to permit a converted dwelling containing not more than two dwelling units, rather than the currently permitted three units.
- A.3 That a program be developed to identify and deal with illegal converted dwelling units in the City.
- A.4 That as part of this strategy, the Province be once again requested to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed.
- A.5 That the Building Department be requested to:
  - i) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;

- ii) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,
  - iii) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.
- A.6 That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.

B Residential Conversions

- B.1 That the Planning and Development Department be directed to pursue with the Province the possibility of enacting special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.
- B.2 That the Zoning By-law be amended to:
- i) permit one accessory apartment as-of-right in all existing single family dwellings in "AA", "B", "B-1", "B-2", "C", "R-2" and "D" Districts, provided the dwelling is a minimum of 20 years of age;
  - ii) require at least one unit of the converted dwelling to be a minimum of 65 m<sup>2</sup> (700 sq. ft.); and,
  - iii) to permit a maximum area of 50% of the front yard area to be used for vehicle access, turning and parking, to protect the appearance of the street.
- B.3 That the Province be requested to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected.

C Redevelopment, Infill, Non-Residential Conversions and Other Initiatives

- C.1 That the Zoning By-law requirement in Section 14 for the "H" classification be amended to also allow conversions of up to 10 units providing the building existed prior to March 8, 1983 and as long as the ground floor frontage remains for commercial use and meets parking requirements.
- C.2 That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:
- i) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,
  - ii) a program be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.

- C.3 That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.
- C.4 That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch and that the Regional Council be required to include this project in the Branch's Work Program.
- C.5 That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Update and the Provincial Housing Policy Statement Implementation Study and through the Regional Chairman's Task Force on Affordable Housing.
- C.6 That the Zoning By-law be amended to create a new Zoning district, where conversions are permitted for all dwellings, regardless of age, to be used in new areas upon the request of developers, and designated in the Neighbourhood Plans.
- C.7 That in the Neighbourhood Planning process, consideration should be given to the following:
  - the designation of areas where conversions can occur, regardless of the age of dwellings; and,
  - areas in which mixed residential/commercial uses are encouraged.
- C.8 That the Region be requested to encourage Area Municipalities to take a fair share of the demands for housing intensification, and the Region include such policies in their Official Plan.
- C.9 That the Province be requested to increase its allocation of non-profit and co-op units to the City of Hamilton.

From the ranges of issues and options, it is clear that there is no easy solution to the questions and problems associated with housing intensification. As well, it is clear that in some areas, there is no consensus from comments received for certain elements of the strategy (e.g. size of unit requirements). However, the strategy attempts to propose compromises in these cases.

As most of the discussion focuses on residential conversions, other forms of intensification should not be forgotten. Infill, redevelopment and non-residential conversions not only provide needed residential units but also contribute to the revitalization of neighbourhoods. As such, the strategy tries to encourage these forms of intensification.

Implementation of various components of the strategy will result in amendments to the Official Plan and Zoning By-law which will necessitate further public input and meetings.

**APPENDIX 1**  
**HOUSING INTENSIFICATION STUDY**  
**SUMMARY OF SUBMISSIONS**  
**JANUARY 1, 1991 - MAY 1, 1991**

CONCERNS	Submissions		Submissions from Organizations			
	# of comments (total 27)	% of total	Citizens for Citizens	Regional Task Force	Housing Help Centre	Social Planning and Research Council
Over-intensification - noise and parking problems	12	44			X	
Stabilize the pre-1940 area ie. moratorium	11	41	X			
Remove 20 yr. age requirement	6	22	X	X	X	X
Greater enforcement of Zoning By-Laws	6	22	X	X		
Supports affordable housing	6	22	X		X	
External character of homes & streetscapes	6	22			X	
Supports infill, redev't and non-res. conversion	5	19	X			X
Right of entry for building inspectors	5	19	X		X	
Section 19 of Zoning By-Law should stay at 65m2	5	19	X			
Loss of green space ie. front yard parking	5	19				
Too many illegal units	4	15	X			
Many unkept properties	4	15				
Absentee landlords do not keep up their property	3	11				
Neighbourhoods turning into ghettos	3	11				
Conversion should only occur in pre-1940 areas	3	11	X			
Concerned about displaced tenants	3	11		X	X	X
Increase in absentee landlord and transient residents	3	11				X
Illegal apartments be noted deconverted in by-law	3	11			X	
Agree with owner-occupancy	2	7	X	X	X	
Increase maximum fines	2	7	X			
Against increase in fines	2	7				
Not convinced there is a housing shortage	2	7				X
Citizens want to have greater input into study	2	7				
Changes to Income Tax Act	2	7				
Need good housing mix	2	7				
Disagree with mandatory owner-occupancy	2	7	X			
Concerned about exclusionary zoning	2	7		X	X	
More flexible zoning By-laws	2	7		X	X	
Disatisfied with Provincial Gov't guidelines	1	4				
Conv. should be included in the 25% afford. housing	1	4	X			
By-Laws be separate instead of one large by-law	1	4	X			
Suggests permit parking	1	4				
Disagree with moratorium	1	4				
10 yr. moratorium on overintensified areas	1	4				
Increased crime due to conversions	1	4				
Need a fall-back position to provincial change	1	4		X	X	

Harry and Elizabeth Marshall  
210 Maplewood Avenue  
Hamilton, Ontario  
L8M 1X8

Submission List

David Clay  
21 Fairholt Road South  
Hamilton, Ontario  
L8M 2T2

Patrick Fung  
15 Gladstone Avenue  
Hamilton, Ontario  
L8M 2H7

Mr. & Mrs. Rutten  
62 Fairleigh Avenue South  
Hamilton, Ontario  
L8M 2K2

Brenda Henderson  
52 Rossly Avenue South  
Hamilton, Ontario  
L8M 3H9

E. Lazar  
Citizens for Citizens Committee, Ward 3  
77 Barnesdale Blvd.  
Hamilton, Ontario  
L8M 2V5

Scott Whittington  
72 Tisdale Street South  
Hamilton, Ontario  
L8N 2W2

Sigrid Smith  
167 London Street South  
Hamilton, Ontario  
L8K 2G8

Mary A. Schneider  
41 Fairleigh Ave. North  
Hamilton, Ontario  
L8L 8H1

Ms. Pace  
64 Keith Street  
Hamilton, Ontario  
L8L 3S3

Margaret Kelley  
11 Cedar Ave.  
Hamilton, Ontario  
L8M 3A6

The Social Planning and Research Council  
155 James Street South, 6th Floor  
Hamilton, Ontario  
L8P 3A4  
Attn: Marvin Caplan  
Vice-President

David Beland  
Chairman, Citizens for Citizens  
Ward 3  
182 St. Clair Blvd.  
Hamilton, Ontario  
L8M 2P1

Eric Campbell  
274 Robert Street  
Hamilton, Ontario  
L8L 2R4

Lois Brown  
206 Maplewood Avenue  
Hamilton, Ontario  
L8M 1X8

Joyce Anderson  
224 Wellington Street N.  
Hamilton, Ontario  
L8L 5A8

The Members of the Regional Chairman's  
Task Force on Affordable Housing  
Office of the Chief Administrators Officer  
119 King Street West, 15th Floor  
P.O. Box 910  
Hamilton, Ontario  
L8N 3V9

E. Lazar  
77 Barnesdale Blvd.  
Hamilton, Ontario  
L8M 2V5

H. Gaasenbeek  
19 Flatt Avenue  
Hamilton, Ontario  
L8P 4M9

Walter Mulkewich  
Executive Director  
Housing Help Centre  
135 Rebecca Street  
Hamilton, Ontario  
L8R 1B9

Marvin Caplan  
140 King Street East  
Effort Square  
Hamilton, Ontario  
L8N 1B2

Carol Barret  
219 Maplewood Avenue  
Hamilton, Ontario  
L8M 1X9

Helen Barret  
219 Maplewood Avenue  
Hamilton, Ontario  
L8M 1X9

Beverly McAllister  
219 Maplewood Avenue  
Hamilton, Ontario  
L8M 1X9

R.J. Blair  
194 Maplewood Avenue  
Hamilton, Ontario  
L8M 1X8

Jack Wilson  
216 Maplewood Avenue  
Hamilton, Ontario  
L8M 1X8

K.M. Speakman  
212 Maplewood Avenue  
Hamilton, Ontario  
L8M 1X8

Wednesday, 1991 March 20

7:00 o'clock p.m.

Hamilton Convention Centre,

Chedoke Room "A"

An evening meeting of the Planning and Development Committee was held.

There were present: Alderman F. Lombardo, Chairman

Alderman D. Drury, Vice-Chairman

Alderman D. Wilson

Alderman M. Kiss

Alderman V. Formosi

Alderman D. Ross

Regrets:

Mayor Robert M. Morrow - Civic Business

Alderman W. McCulloch - Civic Business

Alderman H. Merling - Vacation

Also present:

Alderman D. Agostino

Alderman B. Hinkley

Alderman T. Jackson

Alderman G. Cops

Alderman T. Cooke

Alderman V. Agro

Mr. L. Sage, Chief Administrative Officer

Mr. J. Thoms, Commissioner of Planning and Development

Mr. A. Georgieff, Director of Local Planning

Mr. B. Janssen, Planning Department

Ms. P. Sopp, Planning Department

Mr. D. Godley, Planning Department

Mr. B. Allick, Building Department

Mr. L. King, Building Commissioner

Mr. D. Peters, Assistant Chief Prevention Officer,

Fire Department

Mr. P. Hooker, Law Department

Mr. Donald Nijssse, Ministry of Housing

Mr. R. Karl, Traffic Department

Mr. K. Brenner, Regional Engineering Department

Mr. J. Ford, Health Department

Mr. P. Lampman, Deputy Building Commissioner

Mr. Kushing, Regional Assessment Department

Mrs. Susan K. Reeder, Secretary

The Chairman opened the meeting with comments on the intent of the Public Meeting which was to receive input on the Planning Department's recommendations, respecting the issue of Housing Intensification.

Mr. A. Georgieff, Director of Local Planning, outlined the history of the Housing Intensification Study and the process used in arriving at the recommendations.

Mr. B. Allick of the Building Department outlined the Enforcement Process in dealing with illegal conversions via complaints under the Zoning and Property Standards By-laws.

Mr. B. Janssen of the Planning Department provided an overview on the recommendations contained in the Housing Intensification Study Strategy.

The Committee was in receipt of submissions from the following:

- (a) R.J. Blair, 194 Maplewood Avenue
- (b) Mrs. Elena Lazar, 77 Barnesdale Boulevard.
- (c) Carol J. Barrett, Helen June Barrett, Beverley McAllister, 219 Maplewood Avenue.
- (d) Elizabeth & Harry Marshall, 210 Maplewood Avenue.
- (e) Jack Wilson, 216 Maplewood Avenue.
- (f) K. M. Speakman, 212 Maplewood Avenue.
- (g) E. Lazar, on behalf of Citizens for Citizens Committee Ward 3.

The Committee was also in receipt of an added submission from Carol J. Barrett, H. J. Barrett and Beverley McAllister of 219 Maplewood Avenue.

The Community Group, Citizens for Citizens, distributed information to people at the meeting as follows:

- (a) Notice of a Public Meeting of the Planning and Development Committee dated 1975, September 25, regarding proposed changes to zoning in the Stipley Neighbourhood Plan; and,
- (b) Remarks of Citizens for Citizens to the Planning and Development Department recommendations, dated 1991 January 29.

The meeting was then opened up for comments to be made by the Public and the following submissions were received:

Mr. David Beland, Citizens for Citizens, Ward 3, spoke to the Committee. He questioned the conversion based on owner occupancy and feels that this recommendation is unenforceable in accordance with the Law Department's caution and the Globe and Mail article on this type of Law not standing up under the Charter of Rights. He questioned why this recommendation was made when so many sectors recommend against it as being unenforceable. He also indicated that they are concerned at the stabilizing of the pre-1940 Housing Areas and disappointed that there are no recommendations to address this despite their request that this matter be considered.

Mrs. Michaelene Galan, 78 Gage Avenue South, referred to the hand-out given by Citizens for Citizens referring to the 1975 Notice of a Public Meeting of the Planning and Development Committee, regarding the Stipley Neighbourhood Plan which said in part "in order to protect the integrity of the basic residential character; this area should be rezoned to discourage further conversions and pre-empt the creation of boarding and lodging houses." Mrs. Galan indicated that this plan was never implemented and problems for this area have only gotten worse. She indicated that she disagrees with the statement that old dwelling use areas cannot expect the same enjoyment as new dwellings, and summed up by indicating that she is disappointed with the City's actions to-date on the Housing Intensification issue.

Mr. Bob Kronas, 208 Seamore Avenue, Ancaster, representing a Non-profit Housing Association, spoke and questioned lot size and indicated that he is disappointed that this issue was not addressed in the Study Strategy.

Mr. Hank Gaassenbeek, 19 Flatt Avenue, spoke respecting recommendation B.1, and is concerned with the owner occupancy recommendation which he feels is unenforceable. He stressed that such a recommendation would have serious repercussions for absentee landlords who would be subject to blackmail by tenants if they did not live in the home, which would force them to sell the property at a loss of rental units to the Community and will also encourage illegal actions and a deterioration of the moral fabric of the Community because of this. He indicated that the City should recommend rental control initiatives.

Mr. Munro, 51 Fairholme Road South, indicated that he lives in Ward 3 and has seen the area eroding to duplexes and triplexes from single family area homes over the years. He indicated that the adverse affect of this has been that no parking has been provided for the extra units. He added that backyards could be used for parking instead of front yards since most of these homes have alleyways.

Mr. Michael Leng, 204 London Street South, spoke to the Committee with respect to a recent Ontario Municipal Board ruling of encouraging 25% affordable housing in a community. Mr. Hooker of the Law Department spoke to the Committee with respect to this recent Ontario Municipal Board judgement which dealt with a Burlington case on the Province's policy on affordable housing at 25% content. The ruling indicated that the Province's policy was acceptable but that exception was taken on how Burlington interpreted it. Mr. Leng commended the City for its initiatives in recently cleaning up many undesirable properties. Mr. Leng disagrees that homes should be protected for 20 years since that does not really reflect the changeover of families.

Ms. Marilyn Schneider, 41 Fairleigh Avenue North, spoke with respect to recommendation B.2, which is the 20 year recommendation for conversion of homes and feels that the age restriction should be removed to allow 1990 conversion of new homes, since such a restriction is unfair to the 1940 areas.

A tenant at the apartment building at 121 Park Street, spoke and commended the affordable housing attempts of the Study. She indicated that the realities of today are that fewer people can afford to buy a home. She indicated that conversions occur in the 1940 areas for reasons such as good bus routes, convenient shopping areas, etc. She added that conversion allows single people, i.e. widows, divorcees, etc. to maintain their homes. She also added that concerns are around property maintenance and apply to owners no matter where they live. She indicated that lack of affordable housing means that those with limited income are forced to live in substandard housing.

The resident of 50 Gladstone, spoke and indicated that he is a 2 year Hamilton resident and is opposed to the proposed strategies. He feels that the staff that made the recommendations do not understand the concerns of the affected housing areas and indicated that the lower City Wards have already shouldered enough. He also added that the strategies are ineffective and that the Staff have not listened to the input provided in previous Public meetings.

Mr. Duguay, 15 Elm Street, indicated that he lives on a dead-end street and that they have noticed many traffic accidents in the area recently due to parking on both sides of the street, backing up, elimination of on-street parking for front yard parking and no consideration has been given on rear yard parking possibilities. He indicated that he is opposed to the strategies and feels that they help the landlords to convert and do not assist the single family home owners. He added that his area is getting more congested with people all the time and illustrated by indicated that one house on the street now has 5 cars associated with it. He also added that due to front yard parking, the street has become a concrete jungle. He questioned whether the sewer infrastructure can handle the type of intensification that is occurring in the lower City and fears another North Vancouver situation.

Ms. Tew, 149 Whitney Avenue, feels that the study should have involved more input from the Province, the Federal Government and the Schools.

Mr. David Bowman, 91 Dundonald, spoke to the Committee with respect to his own particular housing difficulty.

Mr. DiLoreto, 48 Chestnut, expressed concerns with the social problems being created by intensification and that areas are becoming ghettos.

Mr. Saraphanian, 38 Fairleigh South, spoke to the Committee and questioned the Law Department's opinion on the owner/occupancy recommendation and why the Planning Staff did not heed the advice of the Law Department in not making this recommendation. He also questioned the 20 year conversion time frame and indicated the emphasis should be on new housing development and not conversions.

Ms. Ann Baxter, 157 Holton Avenue South, spoke to the Committee and expressed concern that the strategy proposals do not address the problems of over-intensification in the lower City, i.e. limits placed on the number of conversions in areas. She emphasized that there should be a mix of housing throughout the City. She also added that she does not like the term affordable housing but rather affordable living.

Ms. Randazzo, 105 Agusta Street, spoke to the Committee and indicated that most families today have 2 children rather than 6 or more as in the past. She added that elderly people in these large homes should be allowed to legally convert their homes, in order that they can remain in them. She added that she feels that the lower numbers at this particular public meeting as compared to the other public meetings reflects satisfaction of those who did not attend. She added that the emphasis should be on property maintenance and that there should be at least a minimum of 700 sq. ft. per unit.

A resident of Barnsdale Boulevard, spoke to the Committee with respect to the Building Code requirements and emphasized that the City By-laws to stabilize pre-1940 areas should be based on lot size and unit size.

Ms. Tillinger, 178 St. Clair Boulevard, criticized the size of the ad placed in the Spectator for this public meeting. She went on to indicated that many homes in the lower City area are for sale but few buyers are an indication of the problems that exists as a result of housing intensification. She asked why the strategies did not address the new homes that are being constructed. She indicated that people who wish to live in single family homes are forced to keep moving to new areas where restrictions of conversions do not apply. In reference to the recommendation, she quoted page 24 of the document and indicated that porches and verandas should not be allowed to be removed when parking on front yards are approved.

Mr. Boich, 244 London Street South, spoke to the Committee and expressed concerns at the erosion of neighbourhoods due to conversions. He indicated that he disagrees with the 20 year turnaround time; since families change before that. He also indicated that his own home is being effected by conversions and expressed frustration that staff have not listened to the input of public meetings and summarized by indicated that he hoped that the final decisions would protect Hamilton Citizens.

Mr. Stahmer, 22 Elm Street, spoke and requested that the City should pay moving costs if people are forced to move out of areas where conversions are occurring. He also indicated that he wants staff to identify where they live.

Mr. Peter Hill, 312 Bay Street South, spoke to the Committee and stressed that he perceives a lack of vision by the policy makers as they are not responsive to the people's vision. He clarified that the study is strategy proposed by staff and not policy, since policy is the prerequisite of the Council for approval which will occur following these meetings. He added that he feels that Planners often do not meet the vision of the people and the community. He urged that responsive policies be made on such matters as front yard parking. Mr. Hill further added that the lower City has more than its share of intensification and urges decisions to be made on community input.

A Ward 4 resident spoke and expressed anger that the addresses of the staff were not being revealed and challenged the Chair's decision to not reveal this information to the meeting.

Alderman Drury then took the Chair, as a result of the challenge and ruled to deny the request that staff identify their personal addresses.

A resident of the City spoke and questioned why the City staff had not solicited community people to work with them on the strategy recommendations. He expressed concerns at the number of increased driveways added onto front lawns for parking.

Sharon Lofrenia, Citizens Against Poverty, questioned the Affordable Housing aims and the long-term affordability for housing and the dilemma of where displaced people will go if conversions are disallowed.

Mr. Marvin Caplan, representative of the Social Planning and Research Council, spoke and indicated that the Council will be forwarding their written response to the Strategies at a later date and outlined several of the points contained therein.

Mr. B. Fuller, 28 Edgemont Street North, spoke and indicated that he is a 40 year resident. He added that he is proud to live in the lower City area and sited a recent cleanup of the pipeline area in this neighbourhood which has provided leisure space for the neighbours. He also indicated that he is concerned at the safety of the homes being converted and urged the Committee to listen to the public and make decisions accordingly.

Mr. B. Townes, a Downtown resident, questioned the Law Department on the legality of discriminating against home owners of pre-1940 homes which are allowed to convert and newer homes which are not.

A resident of Ontario Avenue, talked about the traffic influx and danger to children as a result of intensification. She indicated that she disagrees with the 20 year conversions rule and indicated that conversions would be desirable for new homes since they often have adequate parking established on the land. She also would like to see the Downtown beautified.

A resident of the Mountain, spoke to the Committee and indicated that she is what is known as a "absentee landlord". She indicated that this is her retirement savings and that she is responsible for fixing up damage caused by tenants. She expressed anger that the Province is unfairly discriminating against landlords and resents the infringements being placed on her private property rights. She sited Bill 4, which is presently being processed which prohibits Capital Cost expenditures being reflected in rents. She indicated that this will be creating more ghettos.

A resident spoke with some suggestions that parking permits could be used to solve some of the intensification problems.

Ms. Mary Tega, 123 Charles Street, expressed concerns that the conversions presently going on will create ghettos.

The Chairman of the Committee then closed the public meeting and thanked everyone for attending. He indicated that further submissions in writing should be forwarded to the City's Planning Department, no later than April 5.

Members of City Council who were in attendance then spoke to the public meeting and thanked everyone for their input and gave comments on the Strategy recommendations.

There being no further business, the public meeting then adjourned.

Taken as read and approved,

**ALDERMAN F. LOMBARDO, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder  
Secretary  
1991 March 20**

### 3.0 A STRATEGY FOR THE PROVISION OF HOUSING INTENSIFICATION OPPORTUNITIES:

The Provincial Policy Statement on Land Use Planning for Housing recognizes housing intensification as one of a number of methods of addressing the affordable housing issue. There are social benefits of providing a choice in housing, particularly affordable housing. There are property right benefits, allowing more flexibility and freedom for the dwelling owner. In the next 10 to 20 years housing intensification through redevelopment, infill and conversions may become the primary method of providing new housing as the supply of vacant residential land in the City will be exhausted.

Based on the foregoing discussions on issues and options, the Planning and Development Department has concluded that the most effective way to realize housing opportunities through housing intensification is through a multi-faceted strategy.

This strategy must be based on local needs and requirements. Changes to Provincial Acts, local policies and regulations and other related initiatives are needed for housing intensification to work effectively in the City.

Such a strategy needs to be sensitive to sustaining neighbourhoods. For example, the older areas of the lower city contain beautiful tree streets and a rich variety of architecture. They are a valuable resource in terms of a variety of accommodation, encouraging business to invest and providing a good quality of life. The strategy being recommended consists of the following elements:

#### A. ENFORCEMENT OF ILLEGAL UNITS AND COMMUNITY PARTICIPATION

- A.1 That the Province be requested to undertake changes to the Building Code Act (Bill 103) and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed.
- A.2 That the Building Department be requested to:
  - i) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;
  - ii) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,
  - iii) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.
- A.3 That the Zoning By-law be amended to provide a maximum fine of \$25,000 for an individual and \$50,000 for a corporation for contravention of a zoning by-law, as permissible under the Planning Act.
- A.4 That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.

- A.5 That the Province be requested to fund a Pilot Project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis as contained in the proposed Terms of Reference (Appendix 10).
- A.6 That consideration be given to assist displaced tenants as a result of deconversions in locating suitable alternative accommodations.

## B. RESIDENTIAL CONVERSIONS

- B.1 That the Province be requested to enact special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.
- B.2 That provided this legislation is enacted, the Zoning By-law be amended to:
  - i) permit one accessory apartment as-of-right in all existing single family dwellings in B, B-1, B-2, C and AA Districts and a maximum of two accessory units in all dwellings in the "D" and "DE" districts, provided the dwelling is a minimum of 20 years of age;
  - ii) require at least one unit of the converted dwelling to be a minimum of 65 m<sup>2</sup> (700 square feet); and,
  - iii) require that front yards have a maximum area of 50% for vehicle access, turning and parking, to protect the appearance of the street.
- B.3 Should this Provincial legislation not be enacted, consideration may be given to require each residential conversion to be assessed on an individual basis through Zoning Applications, subject to the requirements of B.2 and that the Zoning By-law be amended to remove-as-of-right zoning in area where it is presently permitted.

## C. REDEVELOPMENT, INFILL AND NON-RESIDENTIAL CONVERSIONS

- C.1 That the Zoning By-law requirement in Section 14 for the "H" classification be amended to allow conversions of up to 10 units providing the building existed prior to March 8, 1983 and as long as the ground floor frontage remains in commercial use and is subject to parking requirements.
- C.2 That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:
  - i) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,
  - ii) a program be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.
- C.3 That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

C.4 That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch.

#### D. OTHER INITIATIVES

D.1 That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Update and the Provincial Housing Policy Statement Implementation Study.

D.2 That the Zoning By-law be amended to create a new Zoning district, where conversions are permitted for all dwellings, regardless of age to be used in new areas upon the request of developers, and designated in the Neighbourhood Plans.

D.3 That the Neighbourhood Planning process review the following:

- the designation of areas where conversions can occur, regardless of the age of dwellings; and,
- areas in which mixed residential/commercial uses are encouraged.

D.4 That the Region be requested to encourage Area Municipalities to take a fair share of the demands for housing intensification, and the Region include such policies in their Official Plan.

D.5 That the Province be encouraged to increase its allocation of non-profit and co-op units to the City of Hamilton.

#### E. CONCLUSION

From the range of issues raised and analysis of alternatives, it is apparent there are no easy solutions to questions respecting housing intensification. What this report attempts to provide is an approach that blends existing policies, regulations and procedures, together with the need for legislative changes and provincial co-operation in the testing of a strategy through a model demonstration program.

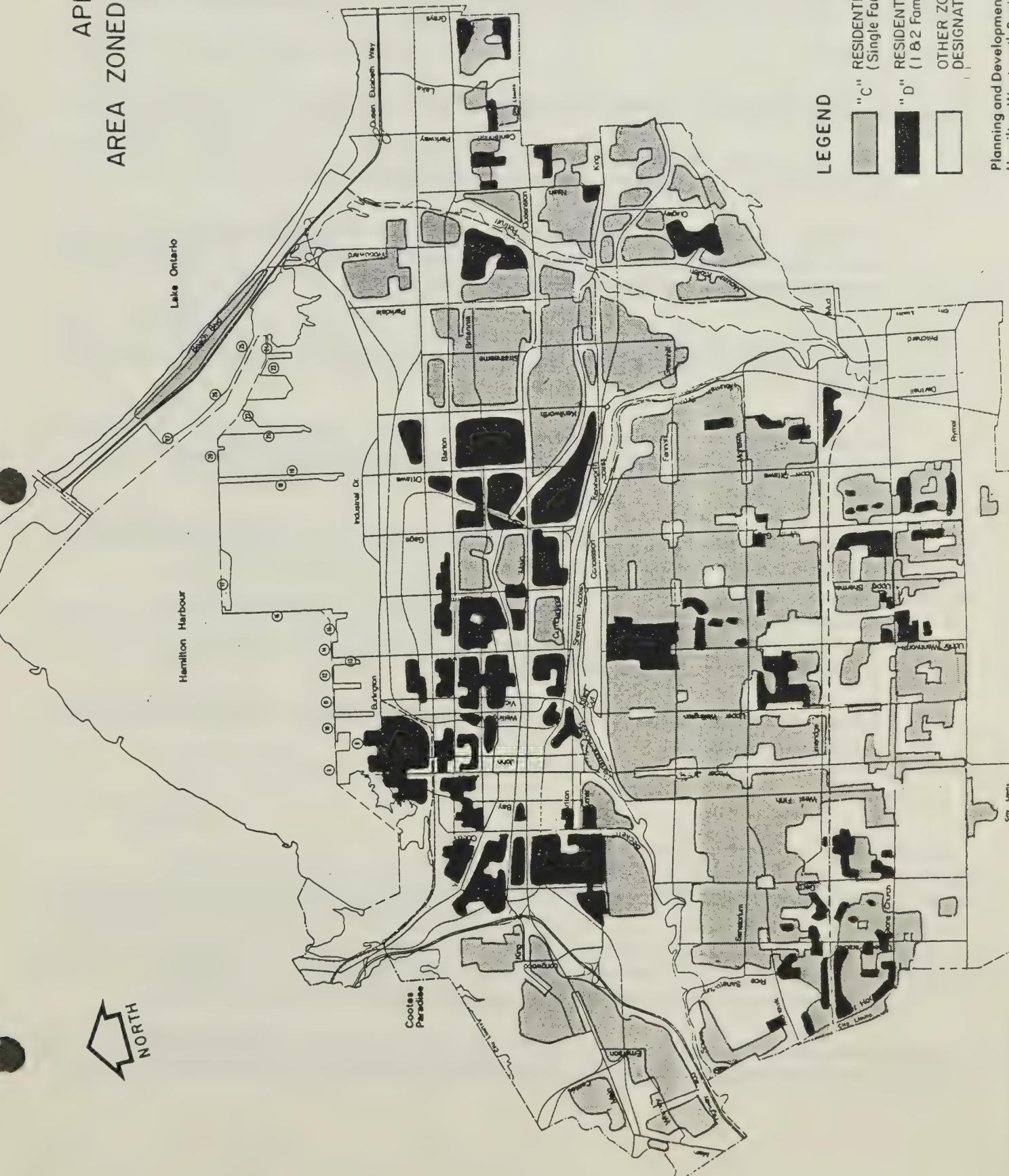
Given that the strategy advocated above is significantly different from the draft options that were presented at two public meetings last year, it is suggested that an additional public meeting be held to discuss this approach.

BJ/dkp

A:\HOUS-INT.REP

## APPENDIX 4 AREA ZONED "C" & "D"

Lake Ontario  
Hamilton Harbour



DATE: JUNE 13, 1991

**Planning and Development Department  
Hamilton-Wentworth Region**

**TERMS OF REFERENCE****COMMUNITY BASED PILOT PROJECT ON HOUSING INTENSIFICATION****INTRODUCTION**

- Housing intensification strategies offer opportunities to provide housing to fit the communities needs.
- A Provincial Policy Statement outlines a framework for housing intensification. The Housing Intensification Study for Hamilton addresses City-wide issues.
- Neighbourhood level issues, street issues and individual issues need to be dealt with at a local level. This fits in with the community based approach advocated by the Province and the neighbourhood planning approach used by the City.
- Two areas have been identified to be the focus of the pilot project - St. Clair/Blakeley and Delta East and West. These areas exhibit high levels of both housing intensification and concern about the issue.
- Neighbourhood groups need to be formed to work towards consensus on issues. The groups will be balanced to represent different points of view. This will contain landlords and tenants as well as resident owners.
- The initial group meetings will be orientational and educational. Subsequently a work program will be established. Finally, the work program will be undertaken and evaluated.
- Housing intensification based on owner occupancy, will reduce neighbourhood concerns, however, in areas which already have a higher level of conversions, a neighbourhood group can be established to address concerns and problems.
- A Committee will be a form for mediation where necessary, where individual activities important to the neighbourhood.

**PROCESS****Phase 1 Setting up Neighbourhood Groups (2 months)**

Neighbourhood groups could be set up by Council and be co-ordinated by the Planning and Development Department in much the same way as neighbourhood planning advisory groups operate when preparing a neighbourhood plan. During neighbourhood planning exercises there are very often a number of side issues of parking maintenance, etc. and these could become the focus of the new groups. The Building Department would play a key role, and other departments could help the group as necessary.

An introductory letter about the pilot project will be sent to each owner and tenant. Applications for group membership will be invited. Members will be appointed by the Planning and Development Committee.

## **Phase 2 Orientation and Education (3 months)**

Presentations will be made by various organizations - Ministry Staff, City Staff, affordable housing groups, neighbourhood groups, etc. Background information will be provided. Issues will be discussed.

## **Phase 3 Work Program (1 month)**

The neighbourhood group will establish a work program including priorities in conjunction with resource staff who would carry out the work.

Work of the Committee should address the following:

### **(i) Information collection**

- population, use of dwellings, condition of dwelling, parking, traffic, yard maintenance, development potential.
- attitude survey similar to the ones carried out in Central/Beasley, Homeside and Bruleville.

### **(ii) Analysis**

- identifying illegal units, non-assessed units, parking and traffic issues, maintenance concerns and other neighbour concerns.

### **(iii) Strategies**

- traffic and parking, (e.g. stop signs, speed restrictions, use of alleyways, front yard parking, boulevard parking, permit parking, creating additional parking space, enforcement, etc.).
- potential areas for redevelopment, infill and conversions.
- acting as a watchdog on emerging issues.
- information dissemination and education, (e.g. public meetings, news sheets, information bulletins).

### **(iv) Actions**

- targetting key illegal units and dealing with them on an individual basis (e.g. enforcement, tenant relocation, legalization, publicity about improvement programs such as Ontario Home Renewal Program and Convert to Rent).
- targetting key maintenance issues, and dealing with them on an individual basis (e.g. enforcement, discussions between landlords and the neighbourhood group, etc.).
- dealing with neighbour problems, (e.g. mediation, discussions between landlords/tenants and the neighbourhood group, referral to Police, Noise Control Officer, Property Standards Officer, etc.).

- making representation on development applications, (e.g. committee of adjustment, zoning, boulevard parking, etc.).
- mediation between residents, property owners, City and tenants, when appropriate.

#### **Phase 4 Implementation (8 months)**

Work would be undertaken and reviewed by the neighbourhood group. A final report documenting and evaluating the project would be prepared by the Planning and Development Department.

#### **FUNDING**

Provincial funding resources are needed as soon as possible to take action on as many areas as possible. A terms of reference for each group should be set up and reviewed by the group to clarify objectives. Groups should then discuss priorities, (e.g. between surveys and enforcement).

Grants under the Ministry of Housing's 'Neighbours' Program should be directed to the two areas where concerns are strongest and where the neighbourhood problems are most acute:

- Blakeley/St. Clair
- Delta East and West

Pilot Neighbourhood projects including neighbourhood committees should thus be set up with Provincial funding. The neighbourhood committee approach is educational in itself. The Province is looking for potential Pilot projects and it would be appropriate for the City of Hamilton to be at the leading edge of solutions for housing intensification.

Further projects, based on the experience of the pilot projects could be directed to:

- Gibson
- Stipeley
- Landsdale
- Crown Point East

#### **ADMINISTRATION**

Committees must be representative of neighbourhoods and include tenants and landlords as well as owner occupiers to encompass all points of view to enable them to deal sensitively with all situations. Committees could work with staff and aldermen to resolve issues locally and give advice through the Planning and Development Committee in accordance with the Terms of Reference.

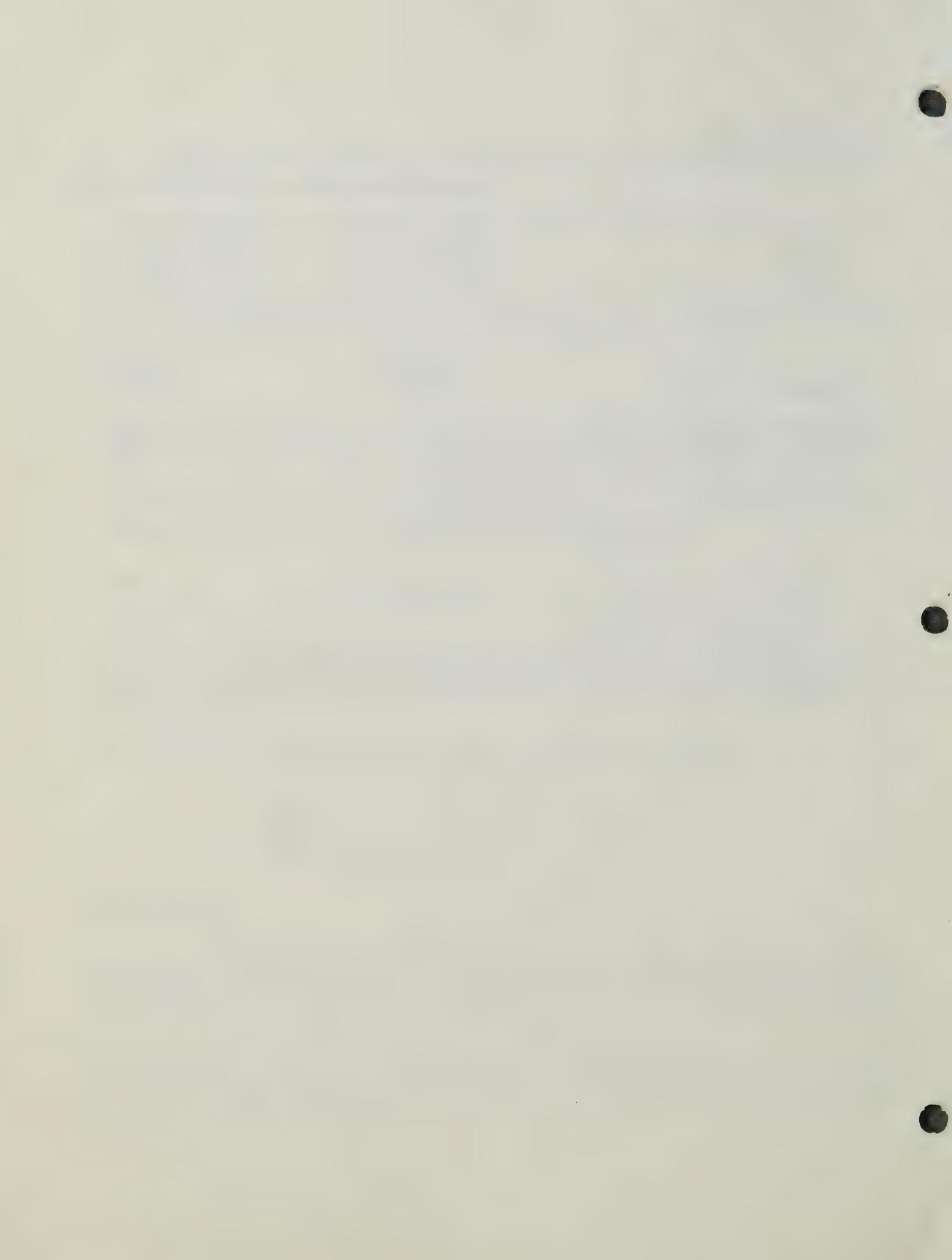
The neighbourhood groups will report to the Planning and Development Committee. The Planning and Development Department would co-ordinate the group. Other departments, e.g. Building, Traffic, Public Works would be called in as necessary.

## TIME SCHEDULE

	<u>St. Clair/Blakeley Project</u>	<u>Delta East/West Project</u>
Phase 1	September - October	January - February
Phase 2	November - January	March - May
Phase 3	February	June
Phase 4	March - October 1992	July - February 1993

## STAFFING AND COSTS

	<u>St. Clair/Blakeley</u>	<u>Delta East/West</u>
	<u>Staffing \$</u>	<u>Staffing \$</u>
Phase 1 (2 months)	2,000	2,000
Phase 2 (3 months)	10,000	10,000
Phase 3 (1 month)	3,000	3,000
Phase 4 (8 months)	<u>40,000</u>	<u>40,000</u>
Total	55,000	55,000
Cartographic/Technical Support		10,000
Printing/Secretarial/Administrative		20,000
Overall cost of project		140,000



K.E. AVERY  
CITY CLERK

J.J. SCHATZ  
DEPUTY CITY CLERK

CA4 ON HBL AOS  
C 5IP4  
URBAN/MUNICIPAL  
1991



Urban Municipal Librarian  
Hamilton Public  
Library

HAMILTON, ONTARIO  
L8N 3T4

TEL: 546-2700  
FAX: 546-2095

**THE CORPORATION OF THE CITY OF HAMILTON**  
OFFICE OF THE CITY CLERK

**NOTICE OF PUBLIC MEETING**

URBAN MUNIC. AL  
JUN 18 1991  
GOVERNMENT DOCUMENTS

**Planning and Development Committee**

Monday, 1991 June 24

7:00 o'clock p.m.

Second Floor Foyer, City Hall

  
Susan K. Reeder,  
Secretary

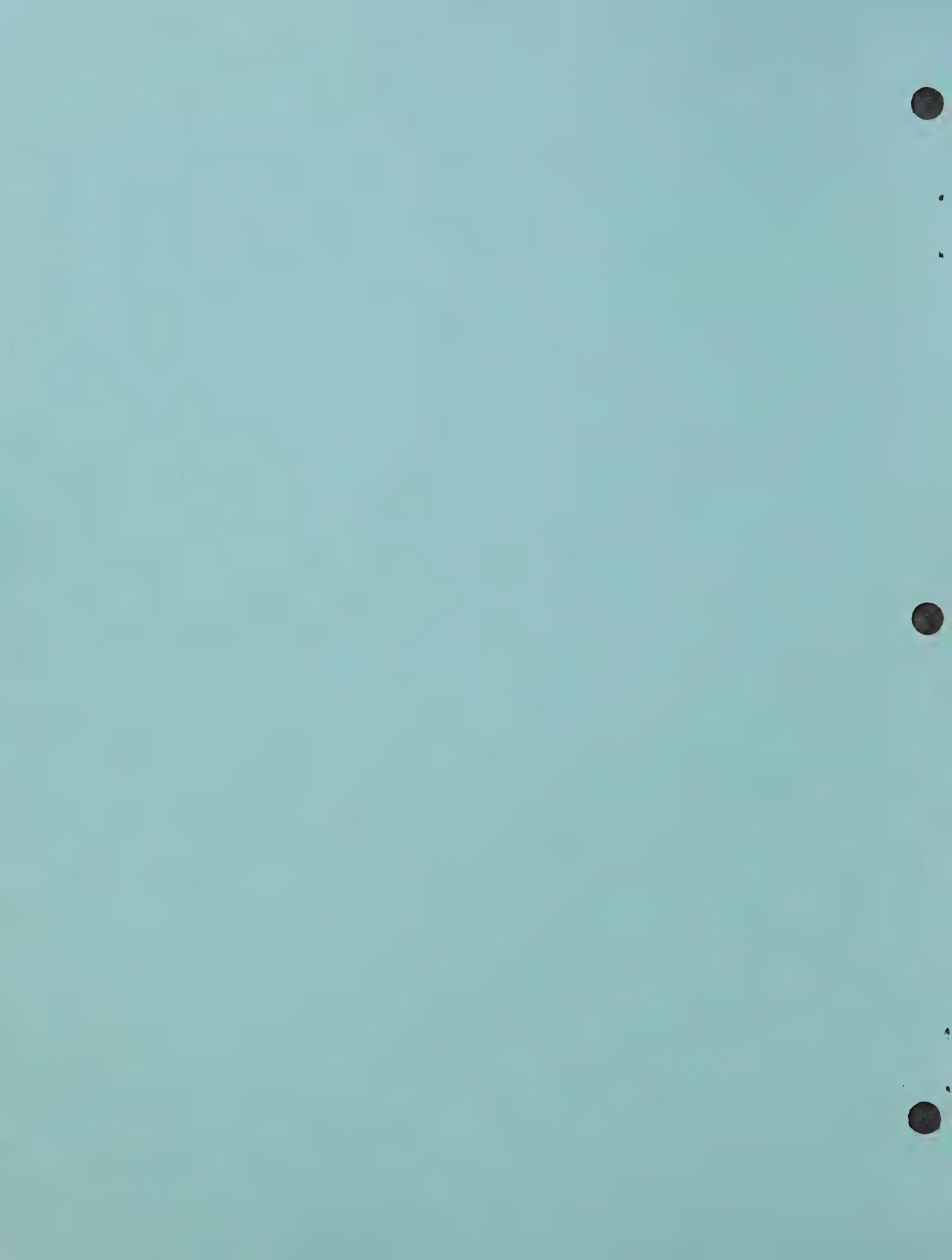
**AGENDA**

1. Public Meeting to consider the proposed amendments to the Official Plan and the Zoning By-law for the "M" (Prestige Industrial) Districts.

[URBAN MUNIC. AL]

JUN 20 1991

GOVERNMENT DOCUMENTS



**CORPORATION OF THE CITY OF HAMILTON**

**MEMORANDUM**

**TO:** A. L. Georgieff, M.C.I.P. **YOUR FILE:**  
Director, Local Planning Division  
Planning and Development Department

**FROM:** Mrs. Susan K. Reeder, Secretary **OUR FILE:**  
Planning and Development Committee  
City Clerk's Department **PHONE:**

**SUBJECT:** Public Meeting - Review of the  
"M" (Prestige Industrial) District  
Uses and Regulations - East Mountain  
Industrial Park **DATE:** 1991 May 24

This will confirm that the Planning and Development Committee at its meeting held Wednesday 1991 May 22 were in receipt of a report from the Commissioner of Planning and Development dated 1991 May 15 respecting the above noted matter.

Please be advised that the Planning and Development Committee authorized that a Public Meeting be held to consider the proposed amendments to the official plan and the zoning by-law for the "M" (Prestige Industrial) Districts as identified in the Executive Summary prepared by your department.

Accordingly, would you please take the appropriate action in scheduling this Public Meeting.

*Susan K. Reeder.*

c.c. Alderman Lombardo, Chairman, Planning & Development

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** May 15, 1991  
CI-91-A

**REPORT TO:** S.K. Reeder, Secretary  
Planning and Development Committee

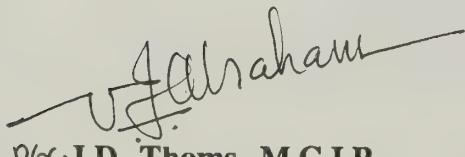
**FROM:** Mr. J. D. Thoms, M.C.I.P.  
Commissioner of Planning and Development

**SUBJECT:**

Review of the "M" (Prestige Industrial) District Uses and Regulations - East Mountain Industrial Park.

**RECOMMENDATION:**

That the Planning and Development Committee authorize the Planning and Development Department to hold a Public Meeting to consider the proposed amendments to the Official Plan and the Zoning By-law for the "M" (Prestige Industrial) Districts, as identified in the attached executive summary.



Mr. J.D. Thoms, M.C.I.P.  
Commissioner,  
Planning and Development Department



A.L. Georgieff, M.C.I.P.  
Director of Local Planning

## **SECTION 1.0        BACKGROUND:**

### **1.1    Need for Study**

As a result of increased development pressures and associated Zoning Applications requesting additional uses to "M" zoned lands, the Planning and Development Committee, in 1990, requested the Planning and Development Department to undertake a review of the "M" Districts to develop an appropriate land use strategy to meet changing economic trends.

Since 1983, approximately 49 rezoning applications have been received for the East Mountain Industrial-Business Park; of these, 46 were for modifications to existing districts and the remaining 3 applications were requesting a change from one district to another. Only 4 of the requested modifications were for industrial or other uses; 42 were for additional commercial uses.

### **1.2    Location of "M" Districts**

The "M" Districts are primarily located in the East Mountain Business-Industrial Park. The Park is bounded by Stone Church Road East and Mud Street to the north, Upper Ottawa Street to the west and the City limits to the south and east (see Map 1).

The Park is about 280.7 ha (691 ac.) in size consisting of 6.9 ha (17 ac.) of "M-11", 44.5 ha (109 ac.) of "M-12", 46.1 ha (114 ac.) of "M-13", 139.6 ha (343 ac.) of "M-14", 21.7 ha (54 ac.) of "M-15", 4.9 ha (12 ac.) of "A" (Conservation, Open Space and Park and Recreation) and 17 ha. (42 ac.) of "AA" (Agricultural) zoned land. There is a smaller area in west Hamilton (Ainslie Wood Neighbourhood) zoned "M-14" District. In addition, there are a few isolated pockets of "M-13" and "M-14" in the lower city adjacent to the escarpment.

This report deals with the East Mountain area only.

### **1.3    Synopsis**

In the early 1970's, Official Plan Amendment No. 276 established an industrial-business park in the east mountain area to increase the amount of land available for

industrial uses. The Park was designed to encompass commercial nodes, restricted manufacturing areas and open space areas. Accordingly, specific zoning districts were created to implement the O.P. policies.

Over the last 20 years, there have been periodic reviews of the "M" Districts to ensure the uses and regulations remain consistent with the changing economic trends. The last major review was in the early 1980's. At this time, the uses were fine tuned and the Standard Industrial Classification codes were established for each use.

As noted, the Planning and Development Committee directed a review of the "M" Districts be undertaken. As part of the review, a land use analysis was undertaken in the Fall of 1990 to determine the composition of the Park. Generally, the Park is dominated by commercial uses (46.2% of the units are used for commercial purposes); 31.2% are industrial units and the remaining 22.6% are vacant units. The predominance of commercial uses can be attributed to a number of factors including: the emerging trend of increased 'service' sector uses (i.e. retail warehouses) which do not fit into the traditional commercial hierarchy; and the majority of development has occurred in the "M-11" and "M-12" districts, etc.

Notwithstanding the current land use composition, an argument strongly in favour of retaining a large portion of the lands for industrial purposes can be made; while at the same time enabling the commercial districts to be more flexible. This area of the City has the last remaining vacant land available for prestige industrial development. Within the City, there is an abundance of commercially zoned lands throughout Hamilton. From a planning perspective, the municipality should retain these lands so as to provide opportunities for future industrial development. The remaining vacant lands are currently dominated by industrially zoned lands (114 ac.).

## **SECTION 2:      LAND USE OPTIONS:**

As discussed, the intent of the "M" District review was to identify possible amendments to the Districts which would be adaptive to the changing economic trends. Listed below are 5 possible options.

Each of the Options noted below are self-contained. In other words, each option does not relate to any of the other options. For example, consolidation of the districts

(Option 1) would be independent of removal of the Standard Industrial Classification Code (Option 3).

## **2.1 Option 1 - Consolidation of the "M" Districts**

There are five "M" Districts; each with its own distinct planning function. The intent of Option 1 would be to reduce the number of zoning districts from 5 to 3 by consolidating the "M-11" and the "M-12" Districts into one commercial district, the "M-13" and the "M-14" into one industrial district, and retain the "M-15" District.

By combining the districts, there will be one zone whose primary function would be of a retail and wholesale nature ("M-11/12"); one zone that is dedicated to industrial functions ("M-13/14") and the third zone would have an industrial function but allow uses requiring large amounts of outside storage ("M-15").

## **2.2 Option 2 - Expanding the List of Permitted Uses within the "M-12" and the "M-13" Districts**

- "M-12" District

In seven years, there have been 20 zoning applications and 1 application to the Committee of Adjustment to amend the "M-12" Districts. The most frequently requested uses were commercial; for example, motor vehicle repair shops; restaurants; home improvement related uses; offices; etc..

The Planning and Development Department has supported a number of rezoning applications for uses related to automotive, home improvement (ie. household furnishings, stereos, appliances, tv, radio, floor coverings, drapery, hardware, wallpaper, paint, glass, repair shops, etc.), and offices. These uses are consistent with the site specific uses which have been approved for other areas of the Mountain Industrial-Business Park (MIBP).

- "M-13" District

In addition, there have been 5 zoning applications and 4 applications to the Committee of Adjustment to permit additional industrial and commercial uses within the "M-13" District. Based on a review of the industrial uses within the Park, it would be

beneficial to expand the existing list of industrial uses by adding the following major groups: Building, Developing and General Contracting Industries; Industrial and Heavy (Engineering) Contracting Industries; Trade Contracting Industries; and Service Industries Incidental to Construction.

These proposed changes are as a result of the large number of applications for the "M-12" and "M-13" Districts.

### **2.3 Option 3: Eliminate the SIC Code numbers and define the Uses by the most general terminology**

The Zoning By-law uses the Standard Industrial Classification Code to define residential, commercial, industrial and public uses. Each use has a 4 digit SIC code. The 4 digit code is very precise and the SIC manual contains a definition which determines exactly what uses are permitted under the code and which are not.

When a prospective owner or tenant inquires about a particular use, the SIC manual is used to determine the appropriate terminology and code; the code then must be listed in the Zoning By-law under the particular district.

The intent of Option 3 would be to remove the SIC number references and to use the most general SIC description where possible (i.e. SIC major group terminology). For example, the "M-14" and "M-15" Districts would allow all furniture and fixture industries; however, each use (i.e. wooden household furniture, bed and mattress spring etc.) within this classification is listed separately. In some instances, there are groups of industries which are not permitted within the major group category. In these cases, each individual group would be listed as opposed to the major group heading.

To implement this option, Tables 1, 2, and 3 identify the various uses and the zoning districts in which they would be allowed.

### **2.4 Option 4 - Addition of Uses**

Upon reviewing the list of uses, currently permitted under the "M" Districts, a number of anomalies were noted. For example, the wholesaling of machinery was not permitted in the "M-13" District but was permitted in the "M-12", "M-14" and "M-

15" Districts. In the clothing industry category, all clothing manufacturers were permitted except for sweaters. There are no apparent reasons for these anomalies.

Tables 4A, 5A and 6A list the Public, Commercial and Industrial uses which are considered to be appropriate for addition to the various zoning districts.

## **2.5 Option 5 - Deletion of Uses in Various Zoning Districts**

As part of the review of permitted uses, there were some uses which were considered as inappropriate in the zoning districts (see Tables 4B, 5B and 6B). For example, some textile manufacturing industries are permitted in the "M-12" District; however, the Ministry of the Environment feels that since there is a potential for odour emissions, it would be inappropriate to allow these uses in Districts that abut residential uses.

Furthermore, there were specific commercial uses predominantly located in the "M-14" and "M-15" Districts (e.g. retail, offices) which are not considered appropriate in an industrial district. For example, general merchandise wholesalers are permitted in the above noted district but toys and sporting goods are not.

Tables 4B, 5B and 6B identify all uses which would be deleted as a result of Option 5.

## **2.6 Analysis:**

Based on a review of the various options, the most appropriate is a combination of Options 2, 3, 4, and 5.

This multi-faceted approach has a number of benefits:

- 1) it will allow for the expansion of uses within each of the districts through the combination of using the most general SIC terms (Option 3) and adding specific uses to the "M-12" and "M-13" Districts (Option 4), thereby reflecting the growing economic trends within industrial-business parks. In addition, the range of uses recognizes the functional characteristics of the park as an 'employment area';

- 2) the planning principles of locating uses with similar functional and operational characteristics together will be maintained;
- 3) at the present time, the structure of the Zoning By-law is rigid in that if a use does not fit within the definition outlined in the SIC manual, then it is not a permitted use; notwithstanding it may have functional and operational characteristics similar to other uses permitted as-of-right;
- 4) it will result in the addition of the following number of uses per district in each category:

<u>District</u>	<u>Public</u>	<u>Commercial</u>	<u>Industrial</u>
M-11	71	57	0
M-12	73	83	5
M-13	5	59	79
M-14	0	24	20
M-15	<u>0</u>	<u>19</u>	<u>21</u>
TOTAL	149	242	125

and the deletion of the following number of uses in each category:

<u>District</u>	<u>Public</u>	<u>Commercial</u>	<u>Industrial</u>
M-11	0	0	0
M-12	0	1	6
M-13	6	2	2
M-14	68	19	6
M-15	<u>68</u>	<u>14</u>	<u>7</u>
TOTAL	142	36	21

The large number of changes in the "Public" category is the result of shifting the government offices from the "M-14 and 15" Districts to the "M-11 and 12" Districts.

- 5) the proposed amendments are in keeping with recent development trends to increase the number of services available to the employees of the Park.

By implementing these 4 options, the Zoning By-law will be more adaptive to changing economic conditions. In this regard, the proposed changes are being made on a comprehensive basis rather than a piece meal basis.

It should be noted that the amendments as proposed are NOT a 'panacea', in that there will always be persons wanting uses that are not permitted in industrial or commercial areas. However, they are likely to decrease the number of applications that have been received in the past.

### **SECTION 3: AMENDMENTS TO THE EXISTING REGULATIONS**

As a result of this review, amendments to additional sections of the Zoning By-law were noted:

- 1) to remove the 83.5 m<sup>2</sup> restriction on office space. When the district regulations were established the accessory office uses and the dwelling unit permitted as an accessory use were inadvertently amalgamated into one clause thus restricting the office space to 83.5 m<sup>2</sup>;
- 2) to amend the sign regulations in the "M-11" and "M-12" District to permit one business identification sign to be setback 6 m instead of 12 m, and to reduce the setback from 6 m to 3 m in the "M-13", "M-14" and "M-15" Districts;
- 3) to amend the outside storage regulations in the "M-11" and "M-12" Districts to permit Lawn and Garden Centres to have an outside storage and sales area of 25% of the lot area; and,
- 4) to establish a maximum sign area of 0.1 m<sup>2</sup> for every 0.3 m of lot frontage.

### **SECTION 4: OFFICIAL PLAN AMENDMENT**

The East Mountain Industrial-Business Park is designated "INDUSTRIAL" on Schedule "A" and Special Policy Area 11 on Schedule "B".

Based on the policies in the Plan, the amendments, as proposed, do not comply with the intent of the Official Plan. An Official Plan Amendment is required to initiate a general text amendment to Policy A.2.3.19 to permit specific commercial uses within

the LIGHT INDUSTRIAL category including business and professional offices and home improvement related uses.

## SECTION 5: CONCLUSIONS

The intent of the "M" District review was to identify appropriate amendments to the Zoning By-law which would allow the "M" Districts to be more adaptable to the changing economic trends of the 1990's without undermining the need for industrial land in the City. The Industrial Districts within the Mountain Industrial Business Park have been undergoing changes within the last seven years, as indicated by the emerging trends of increased interest in building trades, automotive uses, smaller industrial users, employment characteristics, etc.

The planning philosophy of the East Mountain Industrial-Business Park developed in the 1970's has been fine tuned over the last 20 years. The basic land use development patterns remain achievable and desirable in the 1990's. The Park was designed to allow for 'business nodes' at major intersections, the arterial roads were wholesale/limited industrial function, and the interior of the Park was designated for manufacturing uses of a prestige industrial nature. The East Mountain Industrial-Business Park is the last area of vacant industrial land in the City. The uses which would locate in this Park would generally not locate in the traditional industrial areas along the bay. Accordingly, there is a need to protect lands for possible future industrial development.

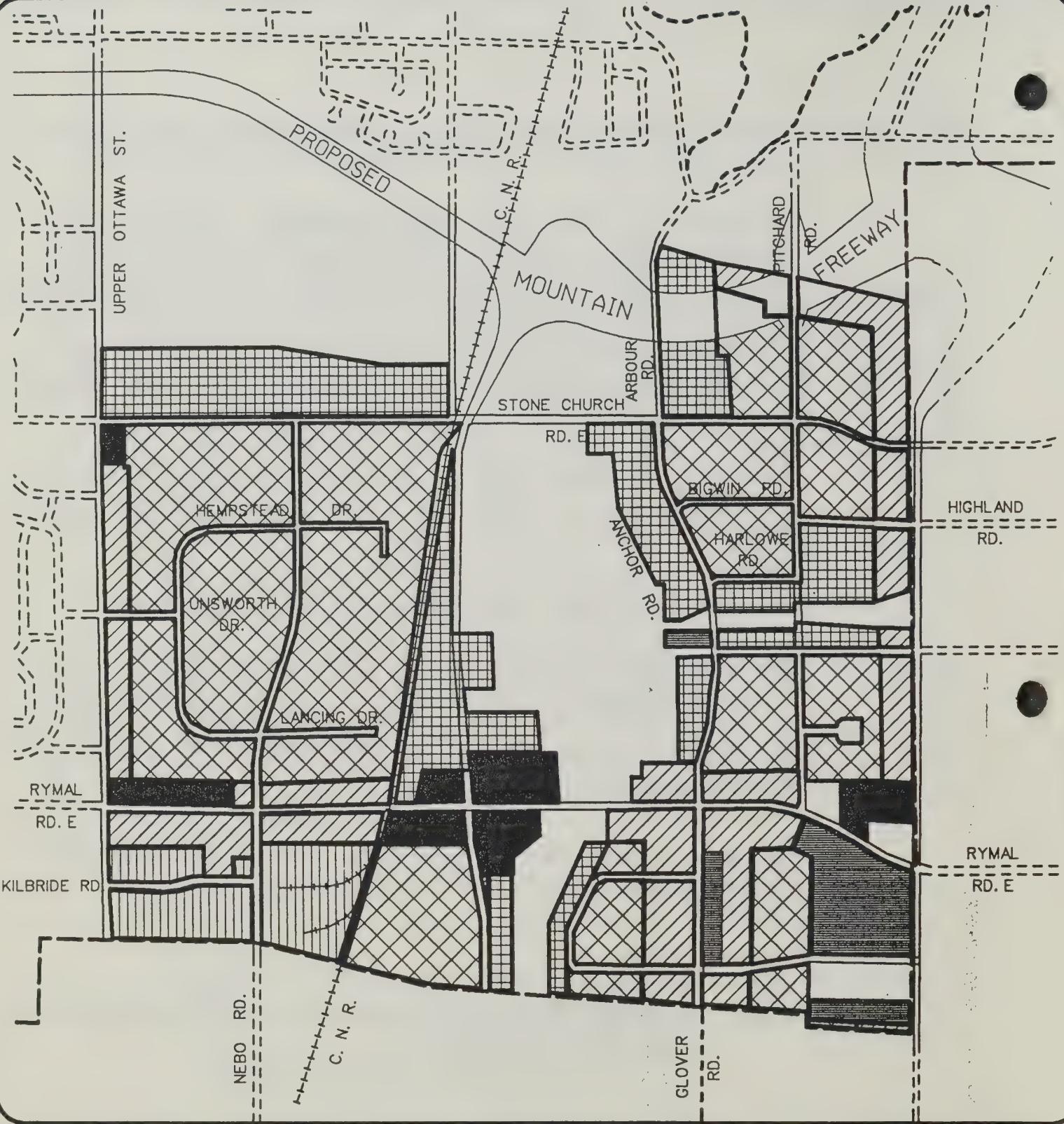
Although, the existing uses reflect a business park, (46.4% of the units are used for commercial purposes), the industrial function within the Park is still viable since:

- there are 111 ha of "M-13, "M-14 and "M-15" lands available for development; and,
- 22.6% of the existing units are vacant.

The potential exists within the "M" Districts to update the uses by adapting to economic changes without undermining the planning criteria. Several options were identified; however, in order to maintain the planning philosophy for the development of the Park; the following changes would be appropriate from a planning perspective:

- 1) Remove the SIC Code numbers and use more general terminology to define the permitted land uses;
- 2) Add specific commercial uses (ie. household furnishings, stereos, appliances, tv, radio, floor coverings, drapery, hardware, wallpaper, paint, glass, repair shops, etc.) and offices to the "M-12" District; add specific industrial uses (Building, Developing and General Contracting Industries, Industrial and Heavy (Engineering) Contracting Industries; Trade Contracting Industries; and Services Incidental to Construction) to the "M-13" District and, add automotive related uses to the "M-12", "M-13", "M-14" and "M-15 Districts;
- 3) Eliminate the anomalies which exist within the group (3 digit) and the class (4 digit) codes (ie. allowing all types of clothing to be manufactured except sweaters);
- 4) Delete certain uses within districts that are considered inappropriate;
- 5) Amend the relevant sections of the Zoning By-law to eliminate the 83.5 m<sup>2</sup> restriction on accessory office use, reduce the setback requirements for signs in the "M-11", "M-12", "M-13", "M-14", and "M-15" Districts, to clarify the outside storage regulations in the "M-11" and the "M-12" District as it relates to Lawn and Garden Centres; and to establish maximum sizes for signs; and,
- 6) Initiate an Official Plan Amendment to ensure conformity between the O.P. and the Zoning By-law.

\* **Note:** For the information of the Committee, a copy of the full report is available from the Department.



**City of Hamilton  
East Mountain  
Industrial-Business  
Park**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend

- M-14
- M-15
- M-12
- M-13
- M-11

North

**MAP 1**

Reference File No.  
CI-91-A



Date  
FEBRUARY 1991

Drawn By  
WILLIAM

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
Federal Government Service (81)	X	X			
Provincial Government Services (82)	X	X			
Regional and Local Government Services (83)	X	X			
International and Extra Territorial Government Services (84)	X	X			
Library Services (854)				X	
Museums and Archives (855)				X	
Sports and Recreation Clubs and Services (965)				X	
Botanical and Zoological Gardens (9696)				X	
Other Amusement and Recreational Services except agricultural fairs, fortune tellers, go kart tracks, horseback riding operations riding schools, trainers - all types (9699)				X	
Business Associations (982)	X	X		X	
Professional Membership Associations (983)	X	X		X	
Labour Organizations (984)	X	X		X	
Political Organizations (985)	X	X		X	
Civic and Fraternal Organizations (986)	X	X		X	

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
Fruit and Vegetable Industry (103)				X	X
Dairy Products Industry (104)				X	X
Bakery Products Industry (107)				X	X
Sugar and Sugar Confectionary Industries except Cane and Sugar Beet Industry (1081)				X	X
Other Food Products Industries (109)				X	X
Soft Drink Industry (1111)		X		X	X
Brewery, Distillery, Wine Industries (1121, 1131, 1141)				X	X
Rubber Products except Tire and Tube Industries (1511)				X	X
Leather and Allied Products Industries except leather tanneries (1711)	X	X		X	X
Primary Textile Industries (18)				X	X
Textile Products Industries except carpets, mats, rugs industry (1921)	X	X		X	X
Clothing Industries (24)	X	X		X	X
Sash, Door and Other Millwork Industries (254)				X	X
Wooden Box and Pallet Industries (256)				X	X
Coffin and Casket Industries (258)				X	X
Other Wood Industries (259) except Wood Preservation Industry (2591)				X	X
Furniture and Fixture Industries (26)				X	X

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
Paper Box and Paper Bag Industries (273)		X		X	X
Printing, Publishing, and allied Industries (28)	X	X		X	X
Fabricated Metal Products Industries - (Except Machinery and Transportation Equipment Industries) - except Power Boiler and Heat Exchanger Industry (301)				X	X
Motor Vehicle Part and accessories Industries except firewall and leaf spring manufacturing (325)				X	X
Boat Building and Repair Industry (328)				X	X
Small Electrical Appliance Industry (331)		X	X		X
Major Appliance Industry (332)		X	X		X
Electric Lighting Industries (333)		X	X		X
Record Player, Radio, Television Receiver Industry (334)		X	X		X
Communication and other Electronic Equipment Industries (335)		X	X		X
Office, Store and Business Machine Industries (336)		X	X		X
Electrical industrial equipment Industries (337)		X	X		X
Communications and Energy Wire and Cable Industries (338)		X	X		X
Electrical Products Industries except Battery Industry (3391)		X	X		X

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
Clay Products Industries (351)			X	X	
Concrete Products Industries (354)			X	X	
Glass Products Industries except Glass Containers					X
Other Non-metallic Products Industries except asbestos (3592) and gypsum products (3593)			X	X	
Pharmaceutical and Medicinal Products (374)		X	X	X	
Toilet Preparations Industry (377)		X	X	X	
Scientific and Professional Equipment Industries (391)		X	X	X	
Jewellery and Precious Metals Industries (392)		X	X	X	
Sporting Goods and Toy Industries (393)		X	X	X	
Sign and Display Industry (3971)		X	X	X	
Manufactured Products Industries (399)		X	X	X	
Building, Developing, and General Contracting Industries (40)		X	X	X	
Industrial and Heavy (Engineering) Construction Industries (41)		X	X	X	
Trade Contracting Industries (42)		X	X	X	

91/05/08

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
Project Management Construction (441)	X	X	X	X	X
Other Services Incidental to Construction (449)	X	X	X	X	X
Truck Transport Industries (456)	X	X	X	X	X
Public Passenger Transit Systems Industries (457)				X	X
Other Storage and Warehousing Industries (479) with ancillary retail not to exceed 25% of the gross floor area of building	X	X	X	X	X
Telecommunication Broadcasting Industries (481)	X	X	X	X	X
Postal and Courier Service Industries (484)	X	X			
Wholesaling:					
Food, beverage, drug and tobacco (52)	X	X	X	X	X
Apparel and dry goods (53)	X	X	X	X	X
Household Goods (54)	X	X	X	X	X
Motor Vehicle Parts and Accessories except rebuilding, recapping, retreading or vulcanized tires (552)	X	X	X	X	X
hardware and plumbing and air conditioning equipment and supplies (562)	X	X	X	X	X
lumber and building materials (563)	X	X	X	X	X
machinery, equipment and sales (57)	X	X	X	X	X

<i><b>USE NOT PROHIBITED</b></i>	<i><b>DISTRICT</b></i>				
	<i><b>M-11</b></i>	<i><b>M-12</b></i>	<i><b>M-13</b></i>	<i><b>M-14</b></i>	<i><b>M-15</b></i>
paper and paper products (592)	X	X	X	X	X
agricultural supplies (593)	X	X			
toys, amusement and sporting goods (594)	X	X			
photographic equipment and musical instruments and supplies (595)	X	X			
jewellery and watches (596)	X	X			
industrial and household chemicals (597)	X	X			
general merchandise (598)	X	X			
books, periodicals and newspaper (5991)	X	X			
second hand goods except automotive and machinery (5992)	X	X			
Retail Stores selling:					
food (601)	X				
liquor, wine, beer (602)	X				
prescription drugs, and medicine (603)	X				
household furniture, appliances and furnishings (62)	X	X			
general merchandise (641)	X				
books and stationary (651)	X				
hardware, paint, wallpaper, and glass (653)	X	X			
sporting goods and bicycles (654)	X				

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
musical Instruments and records (655)	X				
camera and photographic supplies (657)	X				
toy, hobby, novelty and souvenirs (658)	X				
other retail stores (659)	X				
Gasoline Service Stations (6331)	X				
Recreation Vehicle Dealers (632)	X	X			X
Automotive Parts and Acessories Store (634)	X	X			
Motor Vehicle Repair Shops (635) except paint and autobody repair shop (6352)	X	X	X	X	X
Paint and Autobody Repair Shop (6352)				X	X
Other Motor Vehicle Services (639) except car washes selling gasoline		X	X	X	X
Other Motor vehicle services (639) including car washes selling gasoline	X				
Lawn and Garden Centres with a maximum of 25% of lot area to be used for outside storage and sales area (6522)	X	X			
Vending Machine Operators (691)	X	X			
Direct sellers (692)	X	X			
Finance and Insurance Industries (70 to 74)	X	X			
Real Estate Operators and Insurance Agent Industries (75 and 76)	X	X			

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
Employment Agencies and Personnel Suppliers (771)	X	X			
Computer and related services (772)	X	X	X		
Accounting and bookeeping services (773)	X	X			
Advertising services (774)	X	X	X		
Architectural, Engineering, and Other Scientific and Technical Services (775)	X	X	X		
Offices for:					
lawyers, notaries (776)	X	X			
medical, dental (865)	X	X			
health practitioners (866)	X	X			
social services practioners (867)	X	X			
Management Consulting Services (777)	X	X			
Other Business Services (779)	X	X			
Post Secondary Non-University (852)	X	X		X	
Medical and Health Laboratories (868)	X	X		X	
Health and Social Service Associations and Agencies (869)	X	X			
Food services (921) except caterers (9214)	X				
Outdoor Patio in conjunction with food services (restaurant) only (921.01)	X				
Caterers (9214) including banquet facilities	X	X			

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
Motion Picture, Audio and Video Production and Distribution (961)	X	X			
Regular Motion Picture Theatre (962)		X			
Class H Adult Entertainment Parlour (9631.01)					
Bowling Alleys and Billiard Parlours (9691)			X		
Amusement park and Carnival Circus (9692)			X		
Dance Halls, studios and Schools (9693)			X		
Roller Skating Facilities (9695)			X		
Barber and Beauty Shops (971)	X				
Laundries and cleaners (972) except distributors and/or agents for dry cleaners (9722), self serve laundries and/or dry cleaners (9723), and valet services, pressing and/or repairing (9724)				X	X
Distributors and/or agents for Dry Cleaners (9722)	X				
Self serve laundries and/or dry cleaners (9723)	X				
Valet Services,pressing and/or repairing (9724)	X				
Other Personal Household Services (979)	X	X			
Machinery and Equipment Rental and Leasing Services (991)		X		X	X
Automobile Truck Rental and Leasing Services (992)					X

<b>USE NOT PROHIBITED</b>	<b>DISTRICT</b>				
	<b>M-11</b>	<b>M-12</b>	<b>M-13</b>	<b>M-14</b>	<b>M-15</b>
Photographers (993)	X	X			
Repair Services (994)		X	X	X	X
Services to Buildings and Dwellings (995)		X	X	X	X
Travel Services (996)	X	X			

**TABLE 4-A**

**PUBLIC USES - ADDITIONS**

**M-11 District**

1. Federal Government Service (81)
  - 1.1 Defence Services (8111)
  - 1.2 Courts of Law (8121)
  - 1.3 Correctional Services (8122)
  - 1.4 Police Services (8123)
  - 1.5 Regulatory Services (8125)
  - 1.6 Other Protective Services (8129)
  - 1.7 Labour and Employment Services (8131)
  - 1.8 Immigration Services (8132)
  - 1.9 Other Labour, Employment and Immigration Services (8139)
  - 1.10 Foreign Affairs (8141)
  - 1.11 International Assistance (8142)
  - 1.12 Executive and Legislative Administration (8151)
  - 1.13 Finance and Economic Administration (8152)
  - 1.14 Taxation Administration (8153)
  - 1.15 Intergovernmental Affairs Administration (8154)
  - 1.16 Other General Administrative Services (8159)
  - 1.17 Health Administration (8161)
  - 1.18 Social Services Administration (8162)
  - 1.19 Education Administration (8163)
  - 1.20 Recreation and Culture Administration (8164)
  - 1.21 Transportation and Communication Administration (8171)
  - 1.22 Resource Conservation and Industrial Development Administration (8172)
  - 1.23 Environment Administration (8173)
  - 1.24 Housing Administration (8174)
  - 1.25 Regional Planning and Development Administration (8175)
  - 1.26 Research Administration (8176)

2. Provincial Government Services (82)

- 2.1 Courts of Law (8221)
- 2.2 Correctional Services (8222)
- 2.3 Police Services (8223)
- 2.4 Firefighting Services (8224)
- 2.5 Regulatory Services (8225)
- 2.6 Other Protective Services (8229)
- 2.7 Labour and Employment Services (8231)
- 2.8 Executive and Legislative Administration (8251)
- 2.9 Finance and Economic Administration (8252)
- 2.10 Taxation Administration (8153)
- 2.11 Intergovernmental Affairs Administration (8254)
- 2.12 Other General Administrative Services (8259)
- 2.13 Health Administration (8261)
- 2.14 Social Services Administration (8262)
- 2.15 Education Administration (8263)
- 2.16 Recreation and Culture Administration (8264)
- 2.17 Transportation and Communication Administration (8271)
- 2.18 Resource Conservation and Industrial Development Administration (8272)
- 2.19 Environment Administration (8273)
- 2.20 Housing Adminstration (8274)
- 2.21 Regional Planning and Development Administration (8275)
- 2.22 Research Administration (8276)

3. Regional and Local Government Services (83)

- 3.1 Courts of Law (8321)
- 3.2 Correctional Services (8322)
- 3.3 Police Services (8323)
- 3.4 Firefighting Services (8324)
- 3.5 Regulatory Services (8325)
- 3.6 Other Protective Services (8329)
- 3.7 Executive and Legislative Administration (8351)
- 3.8 Finance and Economic Administration (8352)

- 3.9 Taxation Administration (8353)
  - 3.10 Intergovernmental Affairs Administration (8354)
  - 3.11 Other General Administrative Services (8359)
  - 3.12 Health Administration (8361)
  - 3.13 Social Services Administration (8362)
  - 3.14 Education Administration (8363)
  - 3.15 Recreation and Culture Administration (8364)
  - 3.16 Transportation Administration (8371)
  - 3.17 Resource Conservation and Industrial Development Administration (8372)
  - 3.18 Environment Administration (8373)
  - 3.19 Housing Administration (8374)
  - 3.20 Regional Planning and Development Administration (8375)
- 4. International and Extra Territorial Government Service Industries (8411)
  - 5. Library Services (8541)
  - 6. Museums and Archives (8551)

## **M-12 District**

- 1. Federal Government Service (81)
  - 1.1 Defence Services (8111)
  - 1.2 Courts of Law (8121)
  - 1.3 Correctional Services (8122)
  - 1.4 Police Services (8123)
  - 1.5 Regulatory Services (8125)
  - 1.6 Other Protective Services (8129)
  - 1.7 Labour and Employment Services (8131)
  - 1.8 Immigration Services (8132)
  - 1.9 Other Labour, Employment and Immigration Services (8139)
  - 1.10 Foreign Affairs (8141)
  - 1.11 International Assistance (8142)
  - 1.12 Executive and Legislative Administration (8151)
  - 1.13 Finance and Economic Administration (8152)
  - 1.14 Taxation Administration (8153)
  - 1.15 Intergovernmental Affairs Administration (8154)
  - 1.16 Other General Administrative Services (8159)
  - 1.17 Health Administration (8161)

- 1.18 Social Services Administration (8162)
  - 1.19 Education Administration (8163)
  - 1.20 Recreation and Culture Administration (8164)
  - 1.21 Transportation and Communication Administration (8171)
  - 1.22 Resource Conservation and Industrial Development Administration (8172)
  - 1.23 Environment Administration (8173)
  - 1.24 Housing Administration (8174)
  - 1.25 Regional Planning and Development Administration (8175)
  - 1.26 Research Administration (8176)
2. Provincial Government Services (82)
- 2.1 Courts of Law (8221)
  - 2.2 Correctional Services (8222)
  - 2.3 Police Services (8223)
  - 2.4 Firefighting Services (8224)
  - 2.5 Regulatory Services (8225)
  - 2.6 Other Protective Services (8229)
  - 2.7 Labour and Employment Services (8231)
  - 2.8 Executive and Legislative Administration (8251)
  - 2.9 Finance and Economic Administration (8252)
  - 2.10 Taxation Administration (8153)
  - 2.11 Intergovernmental Affairs Administration (8254)
  - 2.12 Other General Administrative Services (8259)
  - 2.13 Health Administration (8261)
  - 2.14 Social Services Administration (8262)
  - 2.15 Education Administration (8263)
  - 2.16 Recreation and Culture Administration (8264)
  - 2.17 Transportation and Communication Administration (8271)
  - 2.18 Resource Conservation and Industrial Development Administration (8272)
  - 2.19 Environment Administration (8273)
  - 2.20 Housing Adminstration (8274)
  - 2.21 Regional Planning and Development Administration (8275)
  - 2.22 Research Administration (8276)

3. Regional and Local Government Services (83)
  - 3.1 Courts of Law (8321)
  - 3.2 Correctional Services (8322)
  - 3.3 Police Services (8323)
  - 3.4 Firefighting Services (8324)
  - 3.5 Regulatory Services (8325)
  - 3.6 Other Protective Services (8329)
  - 3.7 Executive and Legislative Administration (8351)
  - 3.8 Finance and Economic Administration (8352)
  - 3.9 Taxation Administration (8353)
  - 3.10 Intergovernmental Affairs Administration (8354)
  - 3.11 Other General Administrative Services (8359)
  - 3.12 Health Administration (8361)
  - 3.13 Social Services Administration (8362)
  - 3.14 Education Administration (8363)
  - 3.15 Recreation and Culture Administration (8364)
  - 3.16 Transportation Administration (8371)
  - 3.17 Resource Conservation and Industrial Development Administration (8372)
  - 3.18 Environment Administration (8373)
  - 3.19 Housing Administration (8374)
  - 3.20 Regional Planning and Development Administration (8375)
4. International and Extra Territorial Government Service Industries (8411)
5. Library Services (8541)
6. Museums and Archives (8551)
7. Political Organizations (9851)
8. Civic and Fraternal Organizations (9861)

#### **M-13 District**

1. Business Associations (9821)
2. Professional Membership Associations (9831)
3. Other professional Membership Associations (9839)
4. Political Organizations (9851)
5. Civic and Fraternal Organizations (9861)

M-14, M-15 Districts

None

wp adddel 91/4/26

## TABLE 4-B

### PUBLIC USES - DELETIONS

#### M-11 and M-12 Districts

None

#### M-13 District

1. Other Amusement and Recreational Services (969)
  - 1.1 Agricultural Fairs (9699)
  - 1.2 Fortune Tellers (9699)
  - 1.3 Go Kart tracks (9699)
  - 1.4 Horseback Riding Operations (9699)
  - 1.5 Riding Schools (9699)
  - 1.6 Trainers, own accounts, all types (9699)

#### M-14 District

1. Federal Government Service (81) - detail uses see Table 6A
2. Provincial Government Services (82) - detail uses see Table 6A
3. Regional and Local Government Services (83) - detail uses see Table 6A

#### M-15 District

1. Federal Government Service (81) - detail uses see Table 6A
2. Provincial Government Services (82) - detail uses see Table 6A
3. Regional and Local Government Services (83) - detail uses see Table 6A

**TABLE 6-A**

**INDUSTRIAL USES - ADDITIONS**

**M-11 District**

none

**M-12 District**

1. Contract Textile Dyeing and Finishing Industry (1992)
2. Tire Cord Fabric Industry (1995)
3. Sweater Industry (2491)
4. Book Publishing (2831)
5. Other Publishing (2839)

**M-13 District**

1. Other leather and allied products (1719)
2. Canvas and Related Products (1991)
3. Contract Textile Dyeing and Finishing Industry (1992)
4. Tire Cord Fabric Industry (1995)
5. Sweater Industry (2491)
6. Major Appliances (Electric and Non-Electric) (3321)
7. Electrical Industrial Equipment Industries (337)
  - 7.1 Electrical transformer Industry (3371)
  - 7.2 Electrical Switchgear and Protective Equipment Industry (3372)
  - 7.3 Other Electrical Industrial Equipment Industries (3379)
8. Communications and Energy Wire and Cable Industry (3381)

9. Electrical Products Industries (339) except battery Industry (3391)
  - 9.1 Non-current Carrying Wiring Devices Industry (3392)
  - 9.2 Other electrical Products Industries (3399)
10. Toilet Preparations Industries (3771)
11. Jewellery and Precious Metal Industries (392)
  - 11.1 Jewellery and Silverware Industry (3921)
  - 11.2 Precious metal Secondary Refining Industry (3922)
12. Sign and Display Industry (3971)
13. Building, Developing and General Contracting Industries (40)
  - 13.1 Single Family Housing (4011)
  - 13.2 Apartment and Other Multiple Housing (4012)
  - 13.3 Residential Renovation (4013)
  - 13.4 Manufacturing and Light Industrial Building (4021)
  - 13.5 Commercial Building (4022)
  - 13.6 Institutional Building (4023)
14. Industrial and Heavy (Engineering) Construction Industries (41)
  - 14.1 Power Plants (Except Hydroelectric) (4111)
  - 14.2 Gas, Oil and Other Energy Related Structures (Except Pipelines) (4112)
  - 14.3 Gas and Oil Pipelines (4113)
  - 14.4 Other Industrial Construction (4119)
  - 14.5 Highways, Streets and Bridges (4121)
  - 14.6 Waterworks and Sewage Systems (4122)
  - 14.7 Hydroelectric Power Plants and Related Structures (Except Transmission Lines) (4123)
  - 14.8 Power and Telecommunication Transmission Lines (4124)
  - 14.9 Other Heavy Equipment (4129)

## 15. Trade Contracting Industries (42)

- 15.1 Wrecking and Demolition (4211)
- 15.2 Water Well Drilling (4212)
- 15.3 Septic System Installation (4213)
- 15.4 Excavating and Grading (4214)
- 15.5 Equipment Rental (With Operator) (4215)
- 15.6 Asphalt Paving (4216)
- 15.7 Fencing Installation (4217)
- 15.8 Other Site Work (4219)
- 15.9 Piledriving Work (4221)
- 15.10 Form Work (4222)
- 15.11 Steel Reinforcing (4223)
- 15.12 Concrete Pouring and Finishing (4224)
- 15.13 Precast Concrete Installation (4225)
- 15.14 Rough and Framing Carpentry (4226)
- 15.15 Structural Steel Erection (4227)
- 15.16 Other Structural and Related Work (4229)
- 15.17 Masonry Work (4231)
- 15.18 Siding Work (4232)
- 15.19 Glass and Glazing Work (4233)
- 15.20 Insulation Work (4234)
- 15.21 Roof Shingling (4235)
- 15.22 Sheet Metal and Built-Up Roofing (4236)
- 15.23 Other Exterior Close-In Work (4239)
- 15.24 Plumbing (4241)
- 15.25 Dry Heating and Gas Piping Work (4242)
- 15.26 Wet Heating and Air Conditioning Work (4243)
- 15.27 Sheet Metal and Other Duct Work (4244)
- 15.28 Process Piping Work (4251)
- 15.29 Automatic Sprinkler System Installation (4252)
- 15.30 Commercial Refrigeration Work (4253)
- 15.31 Environmental Control Work (4254)
- 15.32 Millwright and Rigging (4255)
- 15.33 Thermal Insulation Work (4256)
- 15.34 Other Mechanical Specialty Work (4259)
- 15.35 Electrical Work (4261)
- 15.36 Plastering and Stucco Work (4271)

- 15.37 Drywall Work (4272)
- 15.38 Acoustical Work (4273)
- 15.39 Finish Carpentry (4274)
- 15.40 Painting and Decorating Work (4275)
- 15.41 Terrazzo and Tile Work (4276)
- 15.42 Hardwood Flooring Installation (4277)
- 15.43 Resilient Flooring and Carpet Work (4278)
- 15.44 Other Interior and Finishing Work (4279)
- 15.45 Elevator and Escalator Installation (4291)
- 15.46 Ornamental and Miscellaneous Fabricated Metal Installation (4292)
- 15.47 Residential Swimming Pool Installation (4293)
- 15.48 Other Trade Work n.e.c. (4299)

## **M-14 District**

- 1. Fruit and Vegetable Industry (103)
  - 1.1 Canned and Preserved Fruit Industry (1031)
  - 1.2 Frozen Fruit and Vegetable industry (1032)
- 2. Malt and Malt Flour Industry (1094)
- 3. Rubber Hose and Belting Industry (152)
  - 3.1 Rubber Hose and Belting Industry (1521)
- 4. Other leather and allied products (1719)
- 5. Contract Textile Dyeing and Finishing Industry (1992)
- 6. Household Products of Textile Materials (1993)
- 7. Hygiene Products of Textile Materials (1994)
- 8. Tire Cord Fabric Industry (1995)
- 9. Other textile products (1999)
- 10. Sweater Industry (2491)
- 11. Boat Building and Repair Industry (3281)
- 12. Electric Parts and Components (3352)
- 13. Other Communication and Electronic Equipment (3359)

14. Electrical Products Industries (339) except battery Industry (3391)
  - 14.1 Non-current Carrying Wiring Devices Industry (3392)
  - 14.2 Other electrical Products Industries (3399)
15. Toilet Preparations Industries (3771)
16. Jewellery and Precious Metal Industries (392)
  - 16.1 Jewellery and Silverware Industry (3921)
  - 16.2 Precious metal Secondary Refining Industry (3922)
17. Sporting Goods and Toy Industries (393)
  - 17.1 Sporting Goods Industry (3931)
  - 17.2 Toys and Games Industries (3932)

### **M-15 District**

1. Fruit and Vegetable Industry (103)
  - 1.1 Canned and Preserved Fruit Industry (1031)
  - 1.2 Frozen Fruit and Vegetable industry (1032)
2. Potato Chips, Pretzels and Popcorn (1093)
3. Malt and Malt Flour Industry (1094)
4. Distillery Products (1121)
5. Brewery products (1131)
6. Wine (1141)
7. Rubber Hose and Belting Industry (152)
8. Other leather and allied products (1719)
9. Contract Textile Dyeing and Finishing Industry (1992)
10. Household Products of Textile Materials (1993)
11. Hygiene Products of Textile Materials (1994)
12. Tire Cord Fabric Industry (1995)
13. Other textile products (1999)
14. Sweater Industry (2491)
15. Motor Vehicle steering and Suspension Parts

- 16. (except leaf spring manufacturing) (3254)  
Boat Building and Repair Industry (3281)
- 17. Electrical Products Industries (339) except battery Industry (3391)
  - 17.1 Non-current Carrying Wiring Devices Industry (3392)
  - 17.2 Other electrical Products Industries (3399)
- 18. Toilet Preparations Industries (3771)
- 19. Jewellery and Precious Metal Industries (392)
  - 19.1 Jewellery and Silverware Industry (3921)
  - 19.2 Precious metal Secondary Refining Industry (3922)

## TABLE 6-B

### INDUSTRIAL USES - DELETIONS

#### M-12 District

1. Man Made Fibre and Filament Yarns (1811)
2. Wool Yarn and Woven Cloth (1821)
3. Other Spun Yarn and Woven Cloth (1829)
4. Broad knitted Fabrics (1831)
5. Carpets, Mats and Rugs Industry (1921)
6. Motor Vehicle Fabric Accessories (3257)

#### M-13 District

1. Distillery Industry (1121)
2. Wine Industry (1141)

#### M-14 District

1. Carpets, Mats and Rugs Industry (1921)
2. Gypsum Industries (3593)
3. Automotive Leaf manufacturing
4. Automotive Firewalls Manufacturing
5. Primary Glass and Glass Containers (3561)
6. Asbestos products (3592)

#### M-15 District

1. Carpets, Mats and Rugs Industry (1921)
2. Automotive Firewalls Manufacturing

3. Primary Glass and Glass Containers (3561)
4. Other Non-Metallic Mineral Products Industries (359)
  - 4.1. Asbestos products (3592)
  - 4.2. Gypsum Industries (3593)
5. Other Petroleum and Coal Products (3699)

WP adddel 90/4/30

TABLE 5-A

COMMERCIAL USES - ADDITIONS

M-11 District

1. Food Stores
  - 1.1 Bakery Products Store (6013)
  - 1.2 Candy and Nut Stores (6014)
  - 1.3 Fruit and Vegetable Stores (6015)
  - 1.4 Meat Markets (6016)
  - 1.5 Other Food Specialty Stores (6019)
2. Recreation Vehicle Dealers (632)
  - 2.1 Motor Home and Travel Trailer Dealers (6321)
  - 2.2 Boats, Outboard Motors and Boating Accessories Dealers (6322)
  - 2.3 Motorcycle and Snowmobile dealers (6323)
  - 2.4 Other Recreational Vehicle Dealers (6329)
3. Car Wash selling gasoline (6391)
4. Lawn and Garden Centres with a maximum of 25% of the lot area used for outside storage and sales area (6522)
5. Other General Merchandise Stores (6413)
6. Vending Machine Operators (6911)
7. Direct Sellers (6921)
8. Insurance Industries (73)
  - 8.1 Life Insurers (7311)
  - 8.2 Deposit Insurers (7321)
  - 8.3 Health Insurers (7331)
  - 8.4 Other Property and Casualty Insurers (7339)

9. Real Estate Operator Industries (75)
  - 9.1 Operators of Residential Buildings and Dwellings (7511)
  - 9.2 Operators of Non-Residential Buildings (7512)
  - 9.3 Other Real Estate Operators (7599)
10. Employment Agencies and Personal Suppliers (771)
  - 10.1 Employment Agencies (7711)
  - 10.2 Personnel Suppliers (7712)
11. Architectural, Engineering and Other Scientific and Technical Services (775)
  - 11.1 Offices of Architects (7751)
  - 11.2 Offices of Engineers (7752)
  - 11.3 Other Scientific and Technical Services (7759)
12. Post Secondary Non-University Education (8521)
13. Offices of Physicians, Surgeons and Dentists (865)
  - 13.1 Offices of Physicians, General Practice (8651)
  - 13.2 Offices of Physicians and Surgeons, Specialists (8652)
  - 13.3 Offices of Dentists, General Practice (8653)
  - 13.4 Offices of Dentists, Specialists (8654)
14. Offices of Other Health Practitioners (866)
  - 14.1 Offices of Chiropractors and Osteopaths (8661)
  - 14.2 Offices of Nurses, Registered (8662)
  - 14.3 Offices of Nurses, Practical (8663)
  - 14.4 Offices of Nutritionists/Dietitians (8664)
  - 14.5 Offices of Physiotherapists/Occupational Therapists (8665)
  - 14.6 Offices of Optometrists (8666)
  - 14.7 Offices of Podiatrists and Chiropodists (8667)
  - 14.8 Offices of Denturists (8668)

- 14.9 Offices of Other Health Practitioners (8669)
- 15. Office of Social Services Practitioners (867)
  - 15.1 Offices of Psychologists (8671)
  - 15.2 Offices of Social Workers (8672)
  - 15.3 Offices of Other Social Service Practitioners (8679)
- 16. Medical and other Health Laboratories (868)
- 17. Health and Social Service Agencies and Associations (869)
  - 17.1 Health Care and Public Safety Promotion Associations and Agencies (8691)
  - 17.2 Health Care Standards Agencies (8692)
  - 17.3 Health Care Research Agencies (8693)
  - 17.4 Social Service Planning and Advocacy Agencies (8694)
  - 17.5 Other Health and Social Service Associations and Agencies (8699)
- 18. Laundries and cleaners (972)
  - 18.1 Distributors and/ agents for dry cleaners (9722)
  - 18.2 Valet Services, Pressing and/or repair (9724)
- 19. Other Personal and Household Services (979)
  - 19.1 Shoe Repair
  - 19.2 Fur Cleaning, Repair and Storage
- 20. Photographers (9931)
- 21. Travel Services (996)
  - 21.1 Ticket and Travel Agencies (9961)
  - 21.2 Tour Wholesalers and Operators (9962)

**M-12 District**

1. Other Services Incidental to Construction (449)
  - 1.1 Land Developers (4491)
  - 1.2 Other Services Incidental to Construction n.e.c. (4499)
2. General Freight Trucking Industry (4561)
3. Bulks Liquid Trucking Industry (4563)
4. Dry Bulk Materials Trucking Industry (4564)
5. Forest Products Trucking Industry (4565)
6. Other Truck Transport Industries (4569)
7. Computer and related Machinery Equipment etc., wholesale (5744)
8. Agricultural Feeds, wholesale (5931)
9. Seeds and Seed Processing, Wholesale (5932)
10. Household Furniture and Appliance Stores (621)
  - 10.1 Household Furniture Stores (With Appliances and Furnishings) (6211)
  - 10.2 Household Furniture Stores (Without Appliances and Furnishings) (6212)
  - 10.3 Furniture Refinishing and Repair Shops (6213)
  - 10.4 Appliance, TV, Radio and Stereo Stores (6221)
  - 10.5 TV, Radio and Stereo Stores (6222)
  - 10.6 Appliance, TV, Radio and Stereo Repair Shops (6223)
  - 10.7 Floor Covering Stores (6231)
  - 10.8 Drapery Stores (6232)
  - 10.9 Other Household Furnishing Store (6239)
11. Recreation Vehicle Dealers (632)
  - 11.1 Motor Home and Travel Trailer Dealers (6321)
  - 11.2 Boats, Outboard Motors and Boating Accessories Dealers (6322)
  - 11.3 Motorcycle and Snowmobile Dealers (6323)
  - 11.4 Other Recreational Vehicle Dealers (6329)

12. Automotive Parts and Accessories Store (634)
  - 12.1 Home and Auto Supply Stores (6341)
  - 12.2 Tire, Battery, Parts and Accessories Stores (6342)
13. Motor Vehicle Repair Shops (635)
  - 13.1 Garages (General Repairs) (6351)
  - 13.2 Muffler Replacement Shops (6353)
  - 13.3 Motor Vehicle Glass Replacement Shops (6354)
  - 13.4 Motor Vehicle Transmission Repair and Replacement Shops (6355)
  - 13.5 Other Motor Vehicle Repair Shops (6359)
14. Other Motor Vehicle Services (excluding car washes selling of gasoline) (639)
  - 14.1 Other Motor Vehicle Services n.e.c. (6399)
15. Hardware, Paint, Glass and Wallpaper Stores (653)
  - 15.1 Hardware Stores (6531)
  - 15.2 Paint, Glass and Wallpaper Stores (6532)
16. Lawn and Garden Centres with a maximum of 25% of the lot area to be used for outside storage and sales area (6522)
17. Vending Machine Operators (6911)
18. Direct Sellers (6921)
19. Insurance Industries (73)
  - 19.1 Life Insurers (7311)
  - 19.2 Deposit Insurers (7321)
  - 19.3 Health Insurers (7331)
  - 19.4 Other Property and Casualty Insurers (7339)
20. Real Estate Operator Industries (75)
  - 20.1 Operators of Residential Buildings and Dwellings (7511)
  - 20.2 Operators of Non-Residential Buildings (7512)
  - 20.3 Other Real Estate Operators (7599)

21. Insurance and Real Estate Agents (7611)
22. Employment Agencies and Personal Suppliers (771)
  - 22.1 Employment Agencies (7711)
  - 22.2 Personnel Suppliers (7712)
23. Accounting and Bookkeeping Services (773)
  - 23.1 Offices of Chartered and Certified Accountants (7731)
  - 23.2 Other Accounting and Bookkeeping Services (7739)
24. Offices of Lawyers and Notaries (7761)
25. Management Consulting Services (7771)
26. Offices of Physicians, Surgeons and Dentists (865)
  - 26.1 Offices of Physicians, General Practice (8651)
  - 26.2 Offices of Physicians and Surgeons, Specialists (8652)
  - 26.3 Offices of Dentists, General Practice (8653)
  - 26.4 Offices of Dentists, Specialists (8654)
27. Office of Other Health Practitioners (866)
  - 27.1 Offices of Chiropractors and Osteopaths (8661)
  - 27.2 Offices of Nurses, Registered (8662)
  - 27.3 Offices of Nurses, Practical (8663)
  - 27.4 Offices of Nutritionists/Dietitians (8664)
  - 27.5 Offices of Physiotherapists/Occupational Therapists (8665)
  - 27.6 Offices of Optometrists (8666)
  - 27.7 Offices of Podiatrists and Chiropodists (8667)
  - 27.8 Offices of Denturists (8668)
  - 27.9 Offices of Other Health Practitioners (8669)
28. Office of Social Services Practitioners (867)
  - 28.1 Offices of Psychologists (8671)

- 28.2 Offices of Social Workers (8672)
- 28.3 Offices of Other Social Practitioners (8679)
- 29. Medical and Health Laboratories (868)
- 29.1 Medical Laboratories (8681)
- 29.2 Radiological Laboratories (8682)
- 29.3 Combined Medical and Radiology Laboratories (8683)
- 29.4 Public Health Laboratories (8684)
- 29.5 Blood Bank Laboratories (8685)
- 29.6 Other Health Laboratories (8689)
- 30. Health and Social Service Associations and Agencies (869)
- 30.1 Health Care and Public Safety Promotion Associations and Agencies (8691)
- 30.2 Health Care Standards Agencies (8692)
- 30.3 Health Care Research Agencies (8693)
- 30.4 Social Service Planning and Advocacy Agencies (8694)
- 30.5 Other Health and Social Service Associations and Agencies (8699)
- 31. Other Personal Household Services (979)
- 31.1 Shoe Repair (9791)
- 31.2 Fur Cleaning, Repair and Storage (9792)
- 31.3 Other Personal and Household Services n.e.c. (9799)
- 33. Other Repair Services (994)
- 33.1 Welding (9942)
- 32. Travel Services (996)
- 32.1 Ticket and Travel Agencies (9961)
- 32.2 Tour Wholesalers and Operators (9962)

**M-13 District**

1. General Freight Trucking Industry (4561)
2. Bulks Liquid Trucking Industry (4563)
3. Dry Bulk Materials Trucking Industry (4564)
4. Forest Products Trucking Industry (4565)
5. Other Truck Transport Industries (4569)
6. Other Services Incidental to Construction (449)
  - 6.1 Land Developers (4491)
  - 6.2 Other Services Incidental to Construction n.e.c. (4499)
7. Beverages, wholesale (5221)
8. Motor Vehicle Parts and Accessories, wholesale (552), (except rebuilding, recapping, retreading or vulcanized tires)
  - 8.1 Tires and Tubes, Wholesale (5521)
  - 8.2 Other Motor Vehicle Parts and Accessories, Wholesale (5529)
9. Farm Machinery, Equipment and Supplies, wholesale (5711)
10. Construction and Forestry Machinery, Equipment and Supplies, wholesale (5721)
11. Mining Machinery, Equipment and Supplies, wholesale (5722)
12. Industrial Machinery Equipment and Supplies, wholesale (5731)
13. Computer and Related Machinery, Equipment etc., wholesale (5744)
14. Office and Store Machinery Equipment and Supplies, wholesale (5791)
15. Service machinery Equipment and Supplies, wholesale (5792)
16. Professional machinery Equipment and Supplies, wholesale (5793)
17. Other machinery Equipment and Supplies, wholesale (5799)
18. Agricultural Feeds, wholesale (5931)
19. Seeds and Seed Processing, Wholesale (5932)
20. Motor Vehicle Repair Shops (635)
  - 20.1 Garages (General Repairs) (6351)
  - 20.2 Muffler Replacement Shops (6353)
  - 20.3 Motor Vehicle Glass Replacement Shops (6354)
  - 20.4 Motor Vehicle Transmission Repair and Replacement Shops (6355)

- 20.5 Other Motor Vehicle Repair Shops (6359)
- 21. Other Motor Vehicle Services (excluding car washes selling of gasoline) (639)
  - 21.1 Other Motor Vehicle Services n.e.c. (6399)
- 22. Accounting and Bookkeeping Services (773)
  - 22.1 Offices of Chartered and Certified Accountants (7731)
  - 22.2 Other Accounting and Bookkeeping Services (7739)
- 23. Offices of Lawyers and Notaries (7761)
- 24. Management Consulting Services (7771)
- 25. Other Business Services (779)
  - 25.1 Security and Investigation Services (7791)
  - 25.2 Credit Bureau Services (7792)
  - 25.3 Collection Agencies (7793)
  - 25.4 Customs Brokers (7794)
  - 25.5 Telephone Answering Services (7795)
  - 25.6 Duplicating Services (7796)
  - 25.7 Other Business Services n.e.c. (7799)
- 26. Other Health and Social Service Associations and Agencies (869)
  - 26.1 Health Care and Public Safety Promotion Associations and Agencies (8691)
  - 26.2 Health Care Standards Agencies (8692)
  - 26.3 Health Care Research Agencies (8693)
  - 26.4 Social Service Planning and Advocacy Agencies (8694)
  - 26.5 Other Health and Social Service Associations and Agencies (8699)
- 27. Motion Picture, Audio and Video Production and Distribution (961)
  - 27.1 Motion Picture and Video Production (9611)
  - 27.2 Motion Picture and Video Distribution (9612)
  - 27.3 Motion Picture Laboratories and Video Production Facilities (9613)
  - 27.4 Sound Recording Services (9614)

- 27.5 Other Motion Picture, Audio and Video Services (9619)
- 28. Machinery and Equipment Rental and Leasing Services (991)
  - 28.1 Industrial Machinery and Equipment Rental and Leasing (9911)
  - 28.2 Audio-Visual Equipment Rental and Leasing (9912)
  - 28.3 Office Furniture and Machinery Rental and Leasing (9913)
  - 28.4 Other Machinery and Equipment Rental and Leasing (9919)
- 29. Repair services (994)
  - 29.1 Electric Motor Repair (9941)
  - 29.2 Welding (9942)
  - 29.3 Other Repair Services (9949)
- 30. Services to Buildings and Dwellings (995)
  - 30.1 Disinfecting and Exterminating Services (9951)
  - 30.2 Window Cleaning Services (9952)
  - 30.3 Janitorial Services (9953)
  - 30.4 Other Services to Buildings and Dwellings (9959)

#### **M-14 District**

- 1. Other Services Incidental to Construction (4491)
  - 1.1 Land Developers (4491)
  - 1.2 Other Services Incidental to Construction n.e.c. (4499)
- 2. General Freight Trucking Industry (4561)
- 3. Bulks Liquid Trucking Industry (4563)
- 4. Dry Bulk Materials Trucking Industry (4564)
- 5. Forest Products Trucking Industry (4565)
- 6. Other Truck Transport Industries (4569)

7. Motor Vehicle Parts and Accessories, wholesale (552), (except rebuilding, recapping, retreading or vulcanized tires)
  - 7.1 Tires and Tubes, Wholesale (5521)
  - 7.2 Other Motor Vehicle Parts and Accessories, Wholesale (5529)
8. Computer and Related Machinery Equipment etc., wholesale (5744)
9. Paper and Paper Products, wholesale (592)
  - 9.1 Newsprint, Wholesale (5921)
  - 9.2 Stationery and Office Supplies, Wholesale (5922)
  - 9.3 Other Paper and Paper Products, Wholesale (5929)
10. Motor Vehicle Repair Shops (635)
  - 10.1 Garages (General Repairs) (6351)
  - 10.2 Paint and Autobody Repair Shop (6352)
  - 10.3 Muffler Replacement Shops (6353)
  - 10.4 Motor Vehicle Glass Replacement Shops (6354)
  - 10.5 Motor Vehicle Transmission Repair and Replacement Shops (6355)
  - 10.6 Other Motor Vehicle Repair Shops (6359)
12. Other Motor Vehicle Services (excluding car washes selling of gasoline) (639)
  - 12.1 Other Motor Vehicle Services n.e.c. (6399)
13. Laundries and Cleaners (972)
  - 13.1 Linen Supply (9725)
  - 13.2 Carpet Cleaning (9726)
  - 13.3 Other Laundry and Dry Cleaning Services (9729)
14. Other Repair Services (994)
  - 14.1 Welding (9942)

**M-15 District**

1. Other Services Incidental to Construction (449)
  - 1.1 Land Developers (4491)
  - 1.2 Other Services Incidental to Construction n.e.c. (4499)
2. General Freight Trucking Industry (4561)
3. Bulks Liquid Trucking Industry (4563)
4. Dry Bulk Materials Trucking Industry (4564)
5. Forest Products Trucking Industry (4565)
6. Other Truck Transport Industries (4569)
7. Beverages, wholesale (5221)
8. Computer and Related Machinery Equipment etc., wholesale (5744)
9. Motor Vehicle Parts and Accessories, wholesale (552), (except rebuilding, recapping, retreading or vulcanized tires)
  - 9.1 Tires and Tubes, Wholesale (5521)
  - 9.2 Other Motor Vehicle Parts and Accessories, Wholesale (5529)
10. Recreational Vehicle Dealers (632)
  - 10.1 Motor Home and Travel Trailer Dealers (6321)
  - 10.2 Boats, Outboard Motors and Boating Accessories Dealers (6322)
  - 10.3 Motorcycle and Snowmobile Dealers (6323)
  - 10.4 Other Recreational Vehicle Dealers (6329)
11. Other Motor Vehicle Service (excluding car washes selling gasoline) (6399)
  - 11.1 Other Motor Vehicle Services n.e.c. (6399)

12. Laundries and Cleaners (972)

- 12.1 Linen Supply (9725)
- 12.2 Carpet Cleaning (9726)
- 12.3 Other Laundry and Dry Cleaning Services (9729)

13. Other Repair Services (994)

- 13.1 Welding (9942)

wp adddel 90/4/30

TABLE 5-B

**COMMERCIAL USES - DELETIONS**

**M-11 District**

none

**M-12 District**

1. Funeral Home (9731)

**M-13 District**

1. Funeral Home (9731)
2. Photographers (993)

**M-14 District**

1. General Merchandise, wholesale (5981)
2. Appliance, TV, Radio and Stereo Store (6221)
3. TV, Radio and Stereo Store (6222)
4. Appliance, TV, Radio and Stereo Repair Shop (6223)
5. Advertising Services (774)
  - 5.1 Advertising Agencies (7741)
  - 5.2 Media Representatives (7742)
  - 5.3 Outdoor Display and Billboard Advertising (7743)
  - 5.4 Other Advertising Services (7749)
6. Post Secondary Non-University Education Service (8521)

7. Medical and Health Laboratories (868)
  - 7.1 Medicine Laboratories (8681)
  - 7.2 Radiological laboratories (8682)
  - 7.3 Combined Medial and Radiological Laboratories (8683)
  - 7.4 Public Health Laboratories (8684)
  - 7.5 Blood Bank Laboratories (8685)
  - 7.6 Other Health Laboratories (8689)
8. Distributors and/or agents for dry cleaners (9722)
9. Funeral Home (9731)
10. Photographers (9931)

### M-15 District

1. General Merchandise, wholesale (5981)
2. Appliance, TV, Radio and Stereo Store (6221)
3. TV, Radio and Stereo Store (6222)
4. Appliance, TV, Radio and Stereo Repair Shop (6223)
5. Motor Vehicle Service (6399)
6. Advertising Services (774)
  - 6.1 Advertising Agencies (7741)
  - 6.2 Media Representatives (7742)
  - 6.3 Outdoor Display and BillBoard Advertising (7743)
  - 6.4 Other Advertising Services (7749)
7. Post Secondary Non-University Educations Service (852)
8. Medical and Health Laboratories (868) - detail uses see Table 7-A
9. Distributors and/or agents for dry cleaners (9722)
10. Funeral Home (9731)
11. Photographers (9931)

## ACCOPRESS®

25070	YELLOW
25071	BLACK
25072	LIGHT BLUE
25073	DARK BLUE
25074	LIGHT GRAY
25075	LIGHT GREEN
25076	DARK GREEN
25077	TANGERINE
25078	RED
25079	EXECUTIVE RED

WITH WATER RESISTANT  
**PRESSTEX®**  
COVERS



ACCO INTERNATIONAL INC.  
CHICAGO, ILLINOIS 60619

HAMILTON PUBLIC LIBRARY



3 2022 21334496 9